

A
CONSOLIDATED INDEX

to
Opinions Issued and Published
in the

**BIENNIAL REPORTS OF THE
ATTORNEY GENERAL
OF FLORIDA**

FROM 1895-1960

and

**A CITATOR TO
SECTIONS OF THE FLORIDA CONSTITUTION
AND FLORIDA STATUTES CITED**

Part 1 - 1895 - 1942

Part 2 - 1943 - 1960

**PREPARED BY THE STATUTORY REVISION
DEPARTMENT OF THE ATTORNEY GENERAL'S OFFICE**

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The Purpose of this Publication:

The Attorney General of Florida, as legal advisor to state, county, municipal and district officials has, through legal opinions issued over a period of many years, established a field of administrative legal precedents generally followed by public officers. These opinions, based on court decisions, constitutional and statutory law, are accepted by state administrative departments, state auditors and public officials as legal authority, short of a court decision, for carrying out administrative duties.

The interpreting of legislative intent, the clarification of conflict in laws, and the practical application of the law to changing conditions and problems are constant challenges which require frequent reference to prior opinions.

The Statutory Revision Department has for the past four years been preparing a consolidated, alphabetical index and citator to reported opinions of the Attorneys General of Florida from 1895-1960. This publication represents the completed product of this effort.

It is my hope that the compilation of this information will be a valuable reference to provide more continuity in administrative law, and to assist public officials in finding a source of authority for carrying out their many and varied public responsibilities.

Richard W. Ervin
Attorney General

April 1, 1962.



TABLE OF CONTENTS

	<u>Page</u>
Alphabetical Index to Opinions -- 1895-1960	1-490
Citator to Opinions	
Part 1 -- 1895-1942	491-572
Part 2 -- 1943-1960	573-637



CONSOLIDATED INDEX TO BIENNIAL REPORTS OF THE ATTORNEY GENERAL

1895 -- 1960

- A -

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
A & M university See: STATE UNIVERSITIES			ACCOUNTANTS (cont.)		
Absent voters See: ELECTIONS			Board of accountancy (cont.)		
Absentee ballots See: ELECTIONS			Certificates (cont.)		
Abstractors See: ABSTRACTS			Revocation and suspension		
ABSTRACTS			Vote of board necessary	1959	8
Company owned by state and road department employees; contracts with	1949	384	When not authorized	1929	264
Minors' adoption records, "take-offs" for abstract work; access	1955	333	Special, for registrants from other states, should be provided	1927	235
Tax records, purchase; violation	1904	41	Certified public accountants and public accountants; construction of law re	1931	774
Accident insurance See: INSURANCE			Chairman, authorized to elect	1931	408
Accident victims See: ACCIDENTS			Construction of law	1931	407
ACCIDENTS			Counsel		
See also: MOTOR VEHICLES			Authorized to retain	1931	408
Confidential reports	1941	373	Employment of	1945	587
Financial responsibility law			Law authorizes employment of, in certain matters only	1931	964
Damage suits arising from accidents; construction of §324.121 (1), F. S.	1959	660	Examinations		
Guest passenger, liability of owner	1957	43	C. P. A. ; prerequisites; waiver	1941	639
Propriety of "covenant not to sue" in lieu of release	1955	83			640
Motor vehicles					641
Accident reports; inspection; construction of, re	1955	849	Papers of applicants for license, retaining	1957	358
Drunken driving; admissibility of certain evidence	1955	649	Regulations and rules, authorized	1949	459
Reports; minors, restrictions contemplated by §39.03(6) not applicable	1957	676	Waiver	1927	236
Serious bodily injury; culpable negligence; punishment	1955	926		1943	413
Police officers; investigate automobile accidents, make arrest for traffic violation committed on private property open for public use; authority	1957	663		1945	587
Victims, removal of bodies by patrol officers without notifying coroner; authority	1953	389	Expenditures, when certain are legal	1927	237
ACCOUNTANTS			Florida accountants association; corporate	1949	459
Board of accountancy			Internal revenue agents; classification	1943	412
Accountancy act construed re cancellation of reciprocity certificates	1927	234	Law construed	1931	407
Accounts, registration of	1927	231	Licenses		
Certain expenditures of board, legality	1927	237	Applicants for, experience requirement	1945	588
Certificates			Authorized to issue temporary	1927	232
Accountants, effect on, if removed from state	1927	238	Member, use of title C. P. A. ; not authorized	1905	185
Application received on certain date, granting	1927	234	Power to employ counsel	1945	587
Nonresidents must procure, to practice	1927	236	Public accountants, if certain individuals are deemed	1927	233
Regulations governing, authorization	1927	232	Records; storage, destruction	1943	414
Reinstatement, powers	1959	8	Regulations and rules authorized	1927	231
			Rules, validity of	1945	589
			Secretary; term of office	1945	587
			Status of person who fails to register	1927	237
			Violation of law, procedure	1927	235
			British subjects, practice six years	1927	132
			Certain individuals, if deemed to be accountants	1927	233
			Certificates		
			Effect on, if removed from state	1927	238
			Internal revenue agents; classification; right to	1943	412
					413

Subject	Year	Page
ACCOUNTANTS (cont.)		
Certificates (cont.)		
Practicing without	1943	412
Registrants of other states, requirements	1927	235
When entitled to, under law	1927	231
Without examination	1943	413
Certified public		
Certificate after suspension and reinstatement; eligibility for	1947	464
Examinations		
Eligibility of applicants	1947	465
Prerequisites	1941	639
		640
		641
Internal revenue agents, waiver of examination by board	1941	641
Reinstated public accountant, eligibility of	1947	464
Employment, by state auditing department; authorized	1949	383
Internal revenue agents	1943	412
Licenses		
Practicing without, when termed to be	1927	240
Temporary issuance	1927	232
Nonresidents, prerequisite to practice	1927	236
Partnership; unauthorized to practice when members not licensed	1929	263
		264
Persons who do not hold themselves as "public or certified accountants"; occupational license requirements	1957	496
Reciprocity certificates, construction	1927	234
Registration		
Construction	1927	231
Necessary	1927	240
Repeals former act	1931	409
Sheriffs; clients of retired assistant state auditor; legality	1949	167
Status, upon failure to reregister	1927	237
Violation; procedure by board	1927	235
ACCOUNTS		
Compromise settlements of, owed to county, legal authority of county commissioners to enter	1959	582
Mutual; definition; intangible tax; liability	1945	296
ACCOUNTS RECEIVABLE		
See also: TAXATION		
Agricultural cooperative marketing association; taxability	1953	254
Corporations; municipality, county, state; taxation	1949	249
Intangible personal property tax		
Corporations	1949	249
Situs	1953	253
Valuation; assessment	1949	248
Intangible tax	1947	236
ACKNOWLEDGMENTS		
See also: DEEDS AND CONVEYANCES		
Declaration of international domicile in Florida	1949	287
Expunging unacknowledged real estate contracts from record	1945	714
Marriage license application; naval officer; authority	1949	568
Mortgages, husband and wife	1931	795

Subject	Year	Page
ACKNOWLEDGMENTS (cont.)		
Prosecuting attorneys; informations filed in county court; acknowledgments not required	1959	482
Acting motor vehicle commissioner		
See: MOTOR VEHICLES		
ACTIONS		
Arrest, violating state statutes, made by highway patrol, prosecution in metropolitan court of Dade county; without jurisdiction	1959	223
County officers; bond; procedure	1943	132
Fees, civil cases	1931	620
Fictitious name statutes; person doing business under; suits, maintenance	1957	342
Financial responsibility law, damage suits arising from accidents; construction of §324.121(1), F. S.	1959	660
Forfeited bail bond in criminal cases, action upon, after one-year date elapsed	1957	620
Former county officials; recovery of amounts alleged to be owed; procedure	1957	710
Foster parents, welfare workers; tort liability of	1959	710
Grand jurors; civil action; defense attorney, compensation	1953	137
Habeas corpus; nature; costs	1945	108
Municipalities, power of arrest and prosecution for violation of safety code adopted under state workmen's compensation provisions	1959	76
Petition; copy of law attached	1953	58
Public health officers; suit for damages; legal counsel furnished by state	1959	59
Railroad companies		
Deliveries, delayed through negligence	1905	108
Livestock, transportation; improperly fed, watered, etc.	1905	108
Negligence, in handling deliveries; damages	1905	115
Suits, private parties	1905	109
Support, dependent children		
Civil actions	1951	532
Costs, payment	1953	56
Court costs, payment	1951	532
Prerequisite to state aid	1951	529
Legal aid association	1951	530
Prosecuting attorney, duty	1951	530
Tax collector, suit against; collection of license tax	1905	73
Torts See: TORTS		
Witnesses See: WITNESSES		
Acts, legislative; law, effective date, without governor's approval	1957	154
Ad valorem taxes See: TAXATION		
ADC funds See: MINORS; WELFARE		
Adding machines; license tax required of agents	1931	707
Addressograph See: SCHOOLS		
Adjusters; insurance See: INSURANCE		
Adjustment boards See: COUNTY BOARD OF ADJUSTMENTS; TAXATION		
ADJUTANT GENERAL		
See also: MILITARY FORCES		
Armory expenses	1923	119
Bonds, payable to governor	1923	157
Clerks, pay unnecessary	1917	206
Compensation	1919	103

Subject	Year	Page
ADJUTANT GENERAL (cont.)		
Disposition, incidental funds collected	1921	59
Holds office at pleasure of governor	1917	61
Law governing appointment	1927	257
Obsolete weapons, sale; disposition of proceeds	1927	131
Printing incurred by department; payment out of appropriation	1947	586
Salary appropriation	1905	66
Weapons and firearms, useless, forfeited; sale proceeds; disposition	1935	422
1949	571	
ADMINISTRATION, BOARD OF		
See also: TAXATION		
Administrative expenses	1937	450
Alachua county; bonds; refunding expenses not authorized	1937	448
Application		
Law re: payment of charges, commissions, refunding expenses attorney general's office	1939	244
Special levy commanded in Meredith v. St. Lucie county	1939	239
Apportionment of indebtedness between districts	1941	444
Assignment of note and mortgage held in sinking fund	1935	199
Baker county		
County road and bridge funds, receive moneys appropriated to use state road department	1937	419
Sinking funds		
Exchange bonds, authority	1939	266
Investment in bonds	1941	422
Balances, disposition, where bonded debt paid	1941	465
Bankruptcy proceedings, Coral Gables; acceptance of refunding bonds	1939	266
Bay county		
Bonds; exchange form of investment authorized	1937	400
Kanner bill account		
Transfer of funds		
Interest and sinking fund	1939	265
Payment of interest, refunding bonds, bankruptcy	1939	271
Refunding contracts, approval	1941	423
Bonded indebtedness Manatee county assumed by Sarasota county, with interest	1939	252
Bonds		
Acceptance by county under Futch act	1941	443
City of Miami	1937	387
Default, payment of interest after	1941	425
Defense, purchase from sinking fund	1941	478
Erroneously delivered, return to county	1939	246
Exchange by treasurer for refunding bonds	1939	265
Held as collateral to secure deposits, disposition; procedure	1935	196
Highway bonds, payment	1941	425
Interest		
Maturity, payment after	1941	466
Outstanding coupons, payment	1941	423
		424
Investment of sinking funds	1941	422
Inviting bids under Kanner act, procedure	1941	470

Subject	Year	Page
ADMINISTRATION, BOARD OF (cont.)		
Bonds (cont.)		
Judgment, merged in, method of payment	1941	466
Legal call, sufficiency	1941	475
Motor vehicle fuel tax to be used to purchase, under Kanner bill	1939	251
Original and refunding; duties with respect to payment of interest and principal	1939	240
Procedure to follow in purchasing	1939	237
Public deposits of insolvent bank, authority accepting refunding bonds as security for	1935	196
Purchase under section 16, article IX, Florida constitution	1941	469
Rate, authority of county to lower	1941	476
Redemption, procedure	1941	467
	1943	325
State treasurer, surrender by	1941	154
Brevard county		
Bonds; sale, when authorized	1937	395
Exchange of securities held in interest and sinking fund	1935	201
Funds, transfer and payment of interest	1939	258
Kanner bill		
Securities, sale	1935	133
Held in interest and sinking fund	1935	160
Special levy, application proceeds alleged	1935	166
Transfer of funds, payment of interest, refunding bonds and original bonds	1939	267
Refunding plan; acceptance in municipal bankruptcy proceedings	1939	274
Broward county		
Bonds; Bessemer properties, payment of interest after maturity, when authorized	1937	409
Coupons, payment of outstanding	1941	423
		424
Highway bonds, payment of interest coupons, past due payment for original bonds	1941	425
Judgment; preference in payment	1939	258
Kanner bill	1939	278
Mandamus proceedings	1935	156
Special levy, application of proceeds of alleged	1935	170
Purchase coupons, authority to	1939	248
Reappropriation of taxes	1939	237
Calhoun county		
Bonds		
Defaulted; payment of interest after maturity	1941	425
Expenses, payment of refunds	1941	427
Refunding bonds, payment of interest	1941	426
Certain claim not allowed as a preferred claim	1931	320
Changing form of securities held by it as statutory trustee; procedure for determining authority	1933	184
Charlotte county		
Funds, transfer and payment of interest	1939	262
Kanner bill		
Gasoline tax moneys, return	1935	171
Purchase of judgment involving road bonds and interest coupons	1937	395
Clay county; attorney's fee, payment from sinking fund	1941	428

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ADMINISTRATION, BOARD OF (cont.)		
Collier county; surplus funds, distribution	1939	242
Dade county		
Bankruptcy proceedings, Coral Gables; acceptance of plan of composition subsequent to acceptance of refunding bonds	1939	266
Bonds and coupons; acceptance of funds from, to meet	1939	252
Kanner bill		
Interest after maturity, on past due bonds, payment	1935	147
Resolution as to refunding operations	1935	152
Securities, purchase and sale of sinking fund	1935	178
Transfer of funds, cancellation of bonds	1939	253
DeSoto county		
Attorneys' fees, payment from gasoline tax funds	1935	198
Bonds, original adjustment of interest	1939	281
Judgment, payment by board	1941	428
Kanner act, notice required where district lies in more than one county	1939	273
Dixie county; Kanner bill; coupons, payment on lost	1935	137
Duval county		
Funds; transfer legal if approved	1937	430
Kanner bill		
Board to register bonds, duty	1935	138
Resolution restricting allocation and appropriation of levy, authority to comply	1935	187
Escambia county		
Lillian bridge bonds, participation in gas tax funds	1941	429
		430
Santa Rosa time warrants, coupons, cancellation	1941	430
Flagler county		
Judgment; compromise	1937	411
Kanner bill		
Bonds, purchase, sale and exchange	1937	386
Clerk circuit court to accept bonds in payment of taxes, authority	1935	149
Compliance, state board with chapter 16809 of 1935	1935	159
Correction of omission of county obligations on county division	1935	180
Gasoline moneys, credit	1935	151
Florida development commission duties, certain, pending bond issues	1955	223
Funds		
Delivery to other than designated paying agent	1941	471
Levied solely for payment refunding bonds not legally applicable unrefunded bonds or interest coupons	1939	236
Received to pay interest on original bonds at refunding rate, disposition	1941	471
Under provision of senate bill 40-XX, chapter 15770, disposition	1931	322

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ADMINISTRATION, BOARD OF (cont.)		
Gadsden county		
Bonds; interest and sinking fund; sale authorized	1937	396
Gasoline tax; disbursement of proceeds, construction of law	1937	417
Gas tax funds		
Allocation	1941	472
	1943	322
Application	1941	433
Distribution	1941	429
		451
		465
		473
District funds, participation	1941	449
Refunding bonds, participation	1941	441
Gasoline tax		
Law repealed	1939	244
Surplus not authorized to be paid direct to state road department	1937	423
Tax assessors' commissions, traveling expenses and refunding fees, effect of law, to pay bank service charges	1939	244
Gilchrist county; gasoline tax; authorized to remit surplus; unauthorized to direct use	1937	414
Glades county		
Bonded debt, remittance to county of excess funds	1941	431
Kanner bill		
Bonds, purchase	1935	145
Funds not earmarked, payment of judgment	1935	160
Gulfport, Pinellas county; claim against bankrupt municipality; filing proof	1939	235
Hardee county		
Certificates of deposit, purchase	1941	432
Funds; Kanner bill account, transfer authorized	1937	434
		437
Kanner bill		
Apportionment gasoline tax	1935	179
Compromise settlement, litigation	1935	193
Transfers pursuant to peremptory writ of mandamus	1939	277
Haw Creek special road and bridge district; distribution of surplus gasoline tax funds	1939	243
Hernando county		
Gas tax, application	1941	433
Judgment		
Payment	1941	435
Sinking funds, application, to payment	1941	433
		434
Kanner bill		
Distribution of gasoline tax money for purchase of bonds	1935	142
Special levies, application proceeds of alleged	1935	167
Transfer of funds and purchase of bonds	1939	238
Highlands county; refunding fee, payment from interest and sinking fund account	1941	436
Hillsborough county		
Adjustment balances, payment	1941	440
Agent's charges, payment from sinking fund	1941	441

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ADMINISTRATION, BOARD OF (cont.)		
Hillsborough county (cont.)		
Bonds		
Accepted and distributed under Futch act; investment of funds	1939	250
Investment by board	1941	442
Preferential payment unauthorized	1937	407
Purchase by board for investment	1941	436
		439
Refunding		
Exchange of one district for second refunding bonds of a different district	1941	439
Participation in distribution of gas tax	1941	441
Payment for validation certificates	1937	452
Transfer of funds	1941	438
Roads, discretionary to invest interest	1937	389
Interest and sinking fund, transfer	1937	422
Interest coupons; lost; reestablishment	1937	439
Investment of funds	1937	386
Judgment; bonds issued by Hillsborough county, litigation pending	1937	410
Kanner bill; compromise of suit	1935	135
Holmes county		
Bonds; extension of maturity dates	1939	262
Refunding bonds for investment	1941	443
Indian River county		
Kanner bill; settlement of litigation, authority	1935	191
Refunding bonds		
Cancellation of bonds unexchanged for refunding	1941	444
Treasurer as escrow agent	1939	263
Return of bonds erroneously delivered	1939	246
Interest and sinking fund; transfer of funds from Kanner bill account	1939	265
Investment of funds	1943	323
County bonds	1943	323
Short term government certificates	1943	323
Jacksonville expressway authority	1955	898
Debt service funds and proceeds of investment, deposit; authorization	1957	121
Relationship of board	1955	898
Judgment		
Bonds, interest coupons, etc.	1943	325
Payment by board	1941	428
Kanner bill		
Jensen road and bridge district, application of gasoline tax	1935	134
Motor vehicle fuel tax to be used to purchase bonds	1939	251
Past due bonds following payment of principal, payment of interest	1935	187
Purchase of bonds		
Taken in for taxes, not authorized	1935	183
Where coupons have been reduced to judgment	1935	185
Settle litigation by compromise and payment; authority	1935	190

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ADMINISTRATION, BOARD OF (cont.)		
Kanner bill (cont.)		
Special levies, application of proceeds of alleged	1935	161
Status after January 1, 1943, effective date of section 16, article IX of constitution adopted November 3, 1942	1941	475
Lafayette county; surplus funds, where indebtedness fully paid; distribution	1939	249
Lake county		
Bonds; refunding, may be purchased with funds from Kanner bill account	1937	436
Funds borrowed, repayment authorized	1937	436
		453
Judgment		
Sinking funds, payment	1941	447
Special levy, payment from proceeds	1941	445
		446
Kanner bill		
Construction of chapter 16807 of 1935	1935	183
Exchange of bonds; sinking fund of special road and bridge district	1935	156
Gasoline moneys, remittance	1935	177
Refunding program, transfer of funds	1935	174
Settlement between bank liquidator and county commissioners	1935	192
Special road and bridge district, payment of excess funds	1941	446
		447
Lee county		
Bonds		
Futch act, payment, when held under	1941	448
Pine Island and Bocilla special road and bridge district, participation in gas tax funds	1941	449
Refunding		
Authorized to purchase	1937	394
Payment of fees	1937	452
Refunding expenses and fees, payment of	1939	247
Leon county; judgment against, authorized to be paid	1931	335
Levy county; special road and bridge districts, moneys authorized to be returned	1937	440
Liberty county		
Auto transportation tax to be transmitted to county commissioners	1939	250
Mileage tax, disposition	1941	415
Madison county; note held as security against frozen balance in defunct bank, authority to compromise	1935	198
Manatee county		
Agent's fee, payment	1941	449
Bonded indebtedness assumed by Sarasota county	1939	252
Bonds	1937	387
Cancellation	1939	253
Exchange unauthorized	1937	405
Reinstatement of unrefunded	1937	449
Sale and investment	1937	397
Funds, transfer	1939	253

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ADMINISTRATION, BOARD OF (cont.)		
Manatee county (cont.)		
Gasoline tax; appropriated for re- funding bonds cannot be used for interest on original bonds	1937	449
Interest and sinking fund		
Pay interest on original bonds, cannot be used	1937	387 397
Transfer of certain amount	1937	425
Kanner bill		
Board to execute resolution for sale of bonds, authority	1935	148
Refunding bond issue	1935	157
Sarasota county, refunding operations on split issue	1935	177
Special road and bridge dis- trict funds, disbursement	1935	185
Refunding bonds, delivery, and re- demption original bonds prior to but as of call date	1939	279
Marion county		
Attorney's fees, payment not au- thorized	1937	414
Funds; ad valorem tax levy in road and bridge district, when not transferable	1937	431
Kanner bill; duplicate trust re- ceipt for lost coupons on bonds	1935	137
Lost or destroyed trust receipt, re- establishment	1935	202
Refunding expenses		
Fund, payment from	1941	450
Payment from special fund	1939	268
Special tax levy; payment	1939	255
Martin county		
Kanner bill, partial rescission of Refunding bonds; treasurer as escrow agent	1939	249 263
Mileage tax, disposition	1941	415
Monroe county		
Bonds		
Board administration act, eli- gibility for participation	1939	281
Gas tax funds, participation	1941	451
Refunding, purchase for retire- ment	1937	390
Judgment, payment or purchase with gas tax funds	1941	451 452
Motor fuel tax act, distribution of tax	1939	251
Ocean shore improvement district, disbursement of taxes collected	1939	257
Okaloosa county		
Kanner bill		
Gasoline tax		
Apportionment	1935	179
Return	1935	155
Okeechobee county		
Bonds		
Board not authorized to return taxes collected to pay	1937	442
Purchase under Kanner bill	1937	391
Gasoline tax; disbursement un- authorized, act unconstitu- tional	1937	428
Kanner bill		
Compromise of mandamus proceedings	1935	190
Divert funds under resolution, authority	1935	158
Gasoline funds, return	1935	176
Special levy, application pro- ceeds of alleged	1935	163

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ADMINISTRATION, BOARD OF (cont.)		
Okeechobee county (cont.)		
Refunding bonds; treasurer as escrow agent	1939	263
Orange county		
Kanner bill		
Collection of interest coupons on stolen bonds	1935	146
Refunding program, payment necessary expense	1935	171
Refunding expenses, payment	1939	270
Osceola county		
Bonds; exchange	1937	398
Kanner bill		
Purchase bonds, may be used to	1937	434
Withholding payment of debt service items of gasoline tax moneys	1935	181
Refunding bonds, payment of bank fees	1941	453
Overseas road and bridge district; authority to expend funds; publicity	1949	394
Palm Beach county		
Funds		
Borrowed, repayment author- ized	1937	453
Transfer from paid-out ac- count	1939	268
Judgment, purchase		
As investment	1941	453
Based upon indebtedness not certified as outstanding	1939	256
Kanner bill; investments held in interest and sinking funds	1935	164
Refunding expenses, payment	1939	269
Sinking funds, consolidation	1939	259
Pasco county		
Assets, transfer from board	1937	437
Bonds		
City of Tampa; interest and sinking fund; sale authoriz- ed	1937	396
Purchase	1937	388 393
Refunding, sale authorized by court's ruling	1937	392 393
Kanner bill; apportionment gasoline tax	1935	179
Refunding bonds		
Bank fees, payment	1941	455
Interest coupons, payment	1941	454
Pinellas county		
Bonds		
Exchange other investments	1937	404
Interest coupons detached from original with funds appro- priated for payment refund- ing bonds, payment	1937	408
Original and refunding, pay- ment of interest	1939	275
Pass-a-Grille, exchange of investments authorized	1937	399
Purchase by special road and bridge district II, can- cellation	1937	445
Refunding		
Exchange investments	1937	402
Special tax levy may be used	1937	445
Sale; assembling fees	1939	271
Special road and bridge dis- trict No. 12, cancellation	1937	446

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ADMINISTRATION, BOARD OF (cont.)		
Pinellas county (cont.)		
Bonds (cont.)		
Town of Gulfport, exchange for refunding bonds authorized	1937	407
Funds, transfer	1939	254
	1941	456
Gulfport; filing proof of claim	1939	235
Interest or principal commitments; remittance to paying agent of less than	1939	260
Refunding		
Expenses, payment	1939	270
	1941	477
Fees, payment	1939	256
		272
Securities		
Exchange	1939	256
Sale, and payment of refunding fees	1939	260
Sinking funds		
Clerk's cost for validating bonds, payment	1941	455
Special tax levy applied for payment of interest and bonds	1937	445
	1935	203
Procedures		
Putnam county		
Bonds		
Interest after maturity, payment	1941	456
Maturity date, extension	1941	457
Refund of overpayment of money from interest and sinking fund account	1941	457
Futch bill, receipt of bonds distributed	1935	200
Investment, change	1939	235
Kanner bill		
Maturity, authority to pay portion	1935	149
Plans of repayment of funds advanced to other funds	1935	182
Records; consolidation; investments	1943	324
Refund of taxes authorized	1939	247
Refunding bonds		
Acceptance of plan, composition subsequent to acceptance; bankruptcy proceedings; Coral Gables	1939	266
Bank charges, payment	1941	453
		460
Exchange		
Bonds held by treasurer	1939	265
Other bonds	1941	439
Other investments, authorized	1937	401
Expenses, payment	1941	427
		450
		453
		455
		460
		470
		476
Fees, payment	1941	436
		455
Funds, transfer	1941	438
Gas tax funds, participation	1941	441
Interest		
Coupons, payment	1941	454
Payment	1941	426
Investment, bonds held	1941	443
New bonds, assumption by county	1941	460
		461
Redemption	1941	464
Unexchanged, disposition	1941	444

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ADMINISTRATION, BOARD OF (cont.)		
Refunding contracts		
Approval	1941	141
		423
		436
Expenses, payment	1941	427
		450
		453
		455
		460
		470
		476
St. Johns county		
Bonds		
Exchange, refunding bonds of city of Lakeland	1937	406
Sale; assembling fees	1939	271
City of Arcadia, not authorized to accept plan of composition	1937	447
Kanner bill		
Exchange bonds in sinking funds, authority	1935	153
Gasoline money, return	1935	154
Interest after maturity, payment of	1935	173
Purchase		
Investment account of its own bonds held in another investment account	1935	139
Sinking fund investment account of bonds in another account	1935	141
Refunding operations	1935	144
Refunding bonds		
Original debt, assumption by Flagler county	1941	460
		461
Plan; acceptance in municipal bankruptcy proceedings	1939	274
St. Lucie county		
Bonds		
Coupons, reestablishment	1937	438
Interest after maturity, payment	1941	464
Refunding, redemption	1941	464
Credit memorandum, unauthorized to be issued	1937	451
Judgment, transfer of Kanner act funds to pay	1941	463
Kanner bill		
Gasoline tax funds		
Return of money	1935	151
Transfer, authorized	1937	422
Purchase bonds with other county funds	1939	276
Special levies, application of proceeds of alleged	1935	168
Meredith v. St. Lucie county; application of special levy commanded	1939	239
		261
Refunding bonds; treasurer as escrow agent	1939	263
Securities taken over to secure bank deposits; disposition	1939	264
Special levy funds, applicability of	1937	443
Special road and bridge district, jurisdiction over sinking fund	1941	462
Santa Rosa county; gasoline tax; state road distribution fund to be paid to county commissioners	1937	420
Sarasota county		
Bonded indebtedness of Manatee county assumed	1939	252

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ADMINISTRATION, BOARD OF (cont.)		
Sarasota county (cont.)		
Bonds		
Interest and principal, payment from special levy fund	1941	460
Matured interest coupons, payment	1941	459
Refunding, charges of paying agent payment	1941	460 476
Gas tax funds, transfer from Kanner bill account to sinking fund account	1941	458
Judgment; preferential payment not authorized	1937	410
Kanner bill; special levies, application proceeds of alleged	1935	165
School capital outlay amendment bonds, method of depositing and disbursing proceeds from	1953	347
Seminole county; bonds; city of Homestead, authorized to exchange for refunding bonds	1937	405
Sinking funds		
Apportionment	1941	464
Attorney's fee, payment	1941	428
Board's authority	1941	462
Expenses, payment	1941	441
Investment in bonds	1941	422 478 479
Judgment, payment	1941	433 434 435 447
Purchase of bonds	1941	478 479
Refunding fee, payment	1941	436
Transfers	1941	458
Sumter county		
Attorney's fees, payment not authorized	1937	412
Bonds; county board of public instruction, authority to deliver	1939	254
Kanner bill		
Cancellation, note and mortgage; acceptance of bonds, issued by federal farm mortgage corporation	1935	194
Funds should so remain	1937	430
Purchase and transfer of funds	1937	432
Transfer of funds	1935	133
Interest coupons and fee certificates	1937	438
Writ of mandamus, effect of service	1935	186
Publishing advertisements, for bond offerings	1939	236
Refunding bonds, payment of advertising costs	1941	470
Surplus		
Definition	1941	479
Gasoline tax funds; Haw Creek special road and bridge district, distribution	1939	243
Suwannee county		
Gasoline tax		
Return of surplus fund not authorized	1937	429
Surplus may be turned over to state road department	1937	421
Taxation		
Anticipation certificates; security; county funds	1943	186

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ADMINISTRATION, BOARD OF (cont.)		
Taxation (cont.)		
Assessors		
Commissions	1935	200
	1941	181 474
Certificates declared invalid, repayment of moneys received	1941	195
Collectors		
Commissions	1941	181 474
Refunds for commissions	1935	199
Ocean shore improvement district, collected, disbursements	1939	257
Taylor county		
Kanner bill		
Apportionment gasoline tax	1935	179
Gasoline moneys, payment to county	1935	150
Transfers, funds from units whose debts paid	1941	481
Union county		
Ad valorem taxes; refund authorized	1937	441
Gasoline tax; surplus may be returned to board of bond trustees	1937	426
Kanner bill; diversion of gasoline tax money not permitted under peremptory writ of mandamus	1935	189
Refund of taxes authorized	1939	247
Volusia county		
Bonds		
Interest		
After maturity, out of special levy, authorized when payment	1937	442
Maturity, payment	1937	408
Town of Holly Hill water works, exchange authorized	1937	400
Kanner bill		
Refunding program, transfer of funds	1935	174
Specific securities owned by a realtor in mandamus proceedings, payment	1935	184
Refunding expenses	1939	247
Wakulla county		
Gasoline tax; disbursement	1937	419
Kanner bill; sale of bonds when held in sinking fund for less than par, authority	1935	188
Sinking fund, apportionment	1941	464
Walton county; special road and bridge district No. 1, balance of \$588.89 may be paid to county commissioners	1937	426
Washington county; gas tax funds, distribution	1941	465
Administrative boards; legal status; member armed forces	1949	156 450
Administrative expense	See specific heads	
Administrative hearings; news and television cameramen, right to photograph proceedings within hearing room	1957	853
Administrative officers	See: STATE OFFICERS AND EMPLOYEES; specific heads	
Administrative proceedings; federal court reporters, compensation	1949	78
Administrator; federal savings and loan association; deposits by guardians, curators, etc.; eligibility as permitted by law	1957	45

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
ADMINISTRATORS AND EXECUTORS			ADVERTISEMENTS (cont.)		
County judge in approving accounts, duties	1929	335	Cost, when taxpayer liable	1929	326
Documentary stamp tax	1933	49	Costs		
Federal savings and loan association; deposits by guardians, curators, etc.; eligibility as permitted by law	1957	45	Delinquent tax list, payment by taxpayer	1933	110
Intangible personal property			Repairing bridges, bids required	1927	323
Returns, tax; duty to file	1941	202	County		
Tax	1933	203	Advertising; publicity; expenditure; county funds	1955	664
Liquidator, not good policy to act	1931	57	Levy tax, authority	1945	236
Nonresidents			County commissioners		
Authorized to act, but not foreign corporations	1931	573	Advertise for purchase exceeding \$300.00	1935	235
Eligible to act	1931	991	Authority to pay chamber of commerce	1949	169
Order deposit share of missing heir, county judge's authority	1949	810			180
Admission tax See: LICENSES AND		79			182
LICENSE TAXES					207
ADOPTION			Float for inaugural parade; power, to contribute funds	1947	152
Birth certificate, issuance of new	1939	308	Secretary for advertising purposes, unauthorized to employ	1935	232
Children, permanent commitment for adoption; circuit court, jurisdiction	1955	89	County seat, election to change; purchase of advertising by private individuals; legality	1959	151
Licensed child-placing agencies; charges and fees	1955	173	Delinquent tax roll; assessment; collection	1949	22
Minors			Disabled veterans' exemption; billboard permit	1949	262
Clerk's records, indexes, dockets, etc.	1955	208			265
Record; confidential; "take-offs" for abstract work; access to record on order of court	1955	333	Election candidates	1951	154
Procedural changes, effect of new law on pending cases	1955	150	False and misleading advertising for eye care by optometrists; National Medical Foundation	1959	50
State welfare board; adoption proceedings, appeals; duty	1955	642	Funds; donations; municipalities; civic organizations	1949	207
Adulterated food See: FOODS, DRUGS AND COSMETICS			Gasoline dealers		
Advance; usury statutes, interest in advance, cash discount or bonus; loans, violation	1955	888	Display of prices; violations; prosecution in municipal courts; jurisdiction	1957	423
ADVERTISEMENTS			Notations such as "discount to trucks," "cut rates," "gasoline price war," etc.; legality	1957	374
Beef; marking required; "cut of beef" defined	1949	505	Insurance companies, complimentary	1941	736
Bills paid from state funds	1933	638	Legal See also: NOTICES; PUBLICATION		
Chamber of commerce; expenditure of funds; Okeechobee county	1949	169	Charges for publication	1927	169
Citrus commission			Compensation	1929	405
Advertising material to out-of-state school, sale	1955	77	Excess charges no criminal offense	1949	77
Power to distribute sample cans of juice	1945	656	Governor no authority	1917	219
Promotion program, powers and duties	1941	709	Newspapers		
Competitive bids			Successors	1935	724
County school board; extension of time, publication of legal notice	1951	398	When qualified to publish	1929	404
Length of time, computing	1953	377	Nonpareil type, paid on basis of	1917	376
Requirements	1953	365	Notices, publication	1941	70
Road departments; "equipment rental agreements"	1949	185	Paid upon basis of nonpareil type	1917	376
		381	Rates	1941	72
		382	Requirements	1927	455
Road grading equipment; restriction of specifications	1949	183	Right of county official to receive commissions	1931	741
School building contracts	1941	282	Local bills require	1927	460
State agencies; rental purchase agreement; requirement	1953	369	Misleading; unethical practice by hotels; hotel commission authority	1949	472
Trading property over \$300.00; required	1949	169	Money received by counties under racing act may be used for advertising fund	1931	353
Tuberculosis board; requirement; low bidder	1949	419	Motor vehicle commission, safety magazine, underwriting partial cost	1941	377
			Outdoor		
			Advertising		
			Fees, disposition	1941	650
			Operation within municipality; occupational license	1957	689

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
ADVERTISEMENTS (cont.)			ADVERTISING COMMISSION, STATE		
Outdoor (cont.)			(cont.)		
Advertising (cont.)			Radio program, publicity for Florida;		
Outside boundary of high-			expenditure of state		
ways, defined	1959	187	funds	1951	442
Permits and licenses	1949	262	Television advertising outside state,		
		265	expenditure of funds; authority	1953	361
		462	Advertising, legal See: ADVERTISE-		
Person engaging in; license			MENTS		
requirements	1959	686	Advisory council on education, state;		
Beverage dealer, license; prod-			lay council; membership eligibility	1955	38
ucts of distributors, etc.	1953	503	Aeronautical lands; cancellation of tax		
Business; definition	1953	503	liens on lands acquired by public		
Documentary stamp tax on			authorities	1935	86
leases for	1933	49	Aeronautics See: AIRCRAFT		
Formerly incorporated territory;			Aeronautics fund; chapter 59-179, ef-		
application of licensing law	1947	468	fect upon accrual of moneys held by		
License			counties	1959	169
Fees	1941	649	Aeroplanes See: AIRCRAFT		
		650	AFFIDAVITS		
		651	See also: DOMICILE; PROCESS;		
Taxes, exemption, limita-			SEARCHES AND SEIZURES		
tion; disabled veterans	1951	588	Criminal procedure; charge changed	1949	55
Occupational license tax in ad-			Prosecuting attorney, duties; draft-		
dition to fee paid state road			ing	1951	235
department	1947	264	AGE		
Passenger carrying vehicle;			See also: ELECTIONS; MINORS;		
license	1947	265	SCHOOLS		
Serial, definition, license fees	1941	652	Registration; voting; requirements	1927	403
Signs erected on owner's premises			Agencies, boards and commissions See:		
advertising his business; ex-			BOARDS, COMMISSIONS AND AGENCIES		
emption from license	1947	468	AGENTS		
Within state; authority of ad-			Auctioneer acting for car owners;		
vertising commission	1945	471	dealer's license	1945	491
Out-of-state publisher, soliciting			Beverage department; raids, searches		
advertisement; license require-			and evidence; authority	1949	489
ment	1955	692	Commissions; refunding bonds; mu-		
Political			nicipalities	1949	478
Advertising, law construed	1931	609	Dormitory revenue certificates,		
Donations by nonprofit corpora-			sale	1949	336
tions, acceptance by news-			Emigrant labor agents See: LABOR		
papers	1951	208	Insurance See: INSURANCE		
Literature, radio, etc.; clerks,			Issuance of fishing licenses; legality	1947	404
circuit court; duty	1949	589	Nonresident; sales of trusses;		
Posters, definition	1941	651	licenses	1951	325
Proof of publication; sale of prop-			Special when appointed	1925	88
erty levied upon under judg-			Typewriter, licenses	1933	16
ment	1951	85	AGREEMENTS		
Publications, purchase of; advertis-			See also: CONTRACTS		
ing space by candidates;			Board of forestry and parks; deviation		
legality	1951	159	from terms as to payments	1945	653
Radio program, publicity for			Burial supplies and services, sale;		
Florida; expenditure of state			preneed burial contract law not		
funds	1951	442	applicable	1953	630
Rate fixed by chapter 12215, 1927	1927	198	County commissioners		
Road department, expenditure of			Machinery; rental purchase	1949	170
funds	1941	419	Needed equipment; no time limit		
Sale of lands for unpaid taxes, rate	1933	138	required	1949	171
Sundries and medicines; wholesale			Dade memorial park, inc., protec-		
drug houses	1949	454	tion agreement, validity	1951	680
		455	Dealers; sales of securities; sale		
Supplies and equipment, state			under laws of other states	1949	477
road department	1941	440	Deeds, agreement; excise tax on		
Tax sales certificates, assignment			documents	1949	256
and sale	1949	241			257
ADVERTISING COMMISSION, STATE			Escrow; stock deposited with se-		
Contracts with nonresident printers;			curities commission; withdrawal	1945	618
legality	1945	470	Florida council for the blind with		
Exhibits outside state; authority	1945	470	federal government; authority	1943	371
Expenses; law governing	1945	472	Insurance commissioner; agency and		
Governor's baseball dinner, adver-			insurer; terms and time; approval	1949	532
tising commission funds; use			Limited partnership certificate; re-		
to defray expenses	1955	49	quirements	1945	663
Outdoor advertising within state;			Merger of corporations; sufficiency	1947	527
authority	1945	471	Motor vehicles; insurance; defective		
			material; workmanship	1949	525

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
AGREEMENTS (cont.)			AGRICULTURE AND HORTICULTURE (cont.)		
Real property, agreement not to encumber or transfer; given in connection with certain existing lien; taxability	1959	760	Gasoline tax refund (cont.)		
Reciprocal			Method of making	1953	291
Incompetents, exchange; commissioners of state institutions	1949	422	Grower-seller, occupational licenses; exemption	1949	269
Transportation, motor vehicles, mileage tax	1951	485	Improvement commission; board of parks and historic memorials; development program	1949	510
Special road and bridge district, if authorized under law to sign	1927	161	Motor vehicle license	1933	9
State superintendent; agreement on behalf of state board; authority	1943	242	Nursery stock; classification and taxability	1945	297
Window glass kept in good repair; contract of insurance	1949	519	Workmen's compensation act		
Written agreements for sale and conveyance of real property; documentary stamp, taxability	1959	381	"Moss ginning" does not constitute, under	1939	359
Agricultural college fund; appropriations	1935	413	Service of workers does not come within classification of labor	1939	358
AGRICULTURAL COOPERATIVE MARKETING ASSOCIATIONS			Agriculture and livestock fund; tax levy, validity; Madison county	1951	297
Accounts receivable, taxability	1953	254	Agriculture, commissioner of See: COMMISSIONER OF AGRICULTURE		
Capital stock, tax situs	1959	713	Aid to dependent children See: MINORS; WELFARE		
Taxation of tangible property and capital stock	1945	662	Air conditioning system; costs may be paid	1937	628
AGRICULTURAL ENUMERATORS			AIR RAIDS		
Expenses of printing blanks and salary payable from certain funds	1931	345	Alarms; installation; maintenance	1943	289
Term of office	1931	957	Rules, enforcement by civilian organizations	1941	345
AGRICULTURAL EXPERIMENT STATION			AIRCRAFT		
Appropriation for salaries and necessary and regular expense	1939	9	Ad valorem taxes		
Branch; location and purchase of site	1945	441	Liability	1931	689
Contracts, validity	1941	323	Subject to at place where situate	1939	433
Laboratory appropriation	1941	362	Air lines; occupational license	1947	252
Research work, when appropriation may be used	1939	15	Aviation act, construed	1925	173
Revolving funds; effect of general appropriations act	1945	436	Careless and reckless operation	1949	588
Agricultural extension service; employees, liability for property damage	1941	335	Classification as motor vehicles; exemption from ad valorem		
Agricultural marketing board; Sanford state farmers' market, establishment of service station; authority	1957	643	taxation	1947	277
Agricultural students; qualifications to enter university	1915	216	Commercial; situs; taxability	1945	324
AGRICULTURE			Common carriers for hire, license tax required	1931	695
Assessors; duties of county commissioners and tax assessors	1959	737	Gasoline tax		
Lands used; ad valorem tax assessments	1957	361	Exemption	1941	230
AGRICULTURE AND HORTICULTURE			Gasoline stored in state and used by planes	1933	72
Board of forestry; setting fires; powers; enforcement of laws	1949	510	Institutions and corporations teaching aviation, tax situs	1953	209
Citrus commission; citrus code, 1949; suits; attorney's fees; funds available	1949	511	License tax		
Commercial feeds See: COMMERCIAL FEEDS			Aeronautics fund; effect of chapter 59-179 on accrual of moneys held by counties	1959	169
Commercial fertilizer See: FERTILIZERS			Liability	1931	708
Farm labor			Motor vehicles, classed as; exemption from personal property tax	1951	492
Defined	1951	543	National motor vehicle theft act, not within contemplation	1939	433
Production pine seedlings constitute	1939	303	Reckless flying; violation, statutory provisions; prosecution; penalty	1947	586
Feed mills; weights and measures; corn purchased	1949	483	Registration fees		
Fertilizers, inspection fee, waiver	1941	704	Distribution	1947	396
Gasoline tax refund			Mileage tax refunds	1949	379
Equipment used	1953	292	Refunds	1949	379
			Securities		
			Corporation; exemption from securities law	1947	481
			Registration with securities commission	1949	480
			State road department authorized to purchase	1933	621
			Taxation		
			Exemptions	1951	493
			Personal property; exemption	1951	492
			Traffic inspectors' authority to endorse regulations	1933	622

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
AIRLINE COMPANIES			ALCOHOLIC BEVERAGES AND LIQUORS		
Commercial air line pilots; jury duty; exemption	1955	707	(cont.)		
Deposits to secure discount authorized to be paid from collection of revenue	1939	527	Advertisement (cont.)		
Domestic; securities issued; exemption	1953	529	Circulars and cards, gifts	1935	331
Occupational license	1947	252	General	1935	332
Pan American; tax on purchase of gasoline	1933	71	Alcohol		
Special officers, appointment by governor	1957	884	Beverage purposes, minimum percentage	1917	119
Airport authority; promissory notes issued, secured by mortgage; construction of mortgage provision	1957	200	Construction of words "raw material"	1935	333
AIRPORTS			Medicinal, scientific, mechanical purposes, sale lawful	1933	337
Avon Park air base; governor authority to cede lands to United States	1949	20	Proof of alcoholic content	1935	332
County-owned; enforcement of regulations	1945	500	American legion, club liquor license, sale of liquor on Sundays	1953	562
Emergency landing fields; state road department may maintain	1933	621	Application for permit	1935	323
Hillsborough county aviation authority expend funds; public liability insurance	1949	199	Approval of license by director	1935	310
Improvement commission; power to acquire and operate	1947	441	Bar rooms, saloons, etc.; closing for special election	1959	346
Lease of gasoline concession by municipality; gallonage basis	1947	273	Bars; closing election day	1945	183
Municipal			Beer		
Establishment, equipment; competitive bids, etc.	1953	415	Excise tax	1945	635
Property; used public purposes; tax exemption	1949	214	Delivery to ships	1947	501
Real property, acquisition; conditional gift; legality of acceptance	1959	372	Shipped by manufacturer to out-of-state customer; liability	1957	225
ALACHUA COUNTY			Fund to which beer license tax should be distributed	1933	329
Boundary	1911	70	Gifts by brewery; tax deduction	1945	635
Elections; registration of university students	1945	168	Hours of sale	1941	696
Indebtedness; liability of Gilchrist county for portion	1945	247		1947	498
Internal improvement agent; recovery of cost for advertising, etc., for certificate later found void	1957	577	Legal hours of sale	1945	628
Justice of peace; criminal cases; jurisdiction	1949	67	License; approval of application	1947	494
Juvenile court; expenses, payment	1951	73	Manufacture of above 3.2% alcohol, permitted in wet counties	1933	331
Orange Lake, boundaries at	1939	527	Municipal license tax, amount	1933	331
Registration books; time to open; qualified electors; statutory provisions	1947	58	Municipalities' right to enact ordinances regulating sale, hours of business, and locations, etc.	1939	136
Sheriffs; per diem; nonresident county or state investigations	1949	42	"Near beer," sale	1909	88
Tax records, purchased by abstract company; violation	1904	41	Premises of beer vendor; sales prohibited; dry counties	1949	497
Alarm clocks; coin-operated; public use; tax situs	1953	279	Prohibited	1921	108
Alarm-o-safe; burglary insurance provided with purchase; legality under insurance laws	1955	38	Refusal of wholesalers to sell to retailers	1943	434
ALCOHOLIC BEVERAGES AND LIQUORS			Sale		
See also: BEVERAGE DEPARTMENT; ELECTIONS			Minors; legality	1945	629
Ad valorem taxes	1935	309	Under license as retail dealer	1933	333
Date of assessment	1945	633	Sunday sales	1949	496
Liquors temporarily stored	1945	330			497
Refund	1947	507	Tax		
Administration expense of beverage department	1935	330	Collectors entitled to fees for collecting license	1933	30
Advertisement			Under beverage act, method of computing	1937	224
Alcoholic liquors prohibited	1933	339	Vendors		
			Distributors; gifts in excess of trade discounts	1949	487
			Premises; sale of whiskey in dry counties	1949	497
			Proximity to school	1945	408
			Warehousing for duly licensed wholesalers or distributors	1933	31
			Beverage dealer; outdoor display signs	1953	503
			Beverage department		
			Agents; raids, searches, evidence and lotteries; authority	1949	489
			Beverage tax stamp, sale by director; authority	1955	227
			Boundary pertaining to Miami area	1937	227
			Bridge corporation not authorized to give free passage to supervisors	1937	227

Subject	Year	Page
ALCOHOLIC BEVERAGES AND LIQUORS (cont.)		
Beverage department (cont.)		
Chartered or incorporated clubs if entitled to reduced liquor license fee	1937	229
Cigarette permit fee, disabled veterans	1945	369
Club license; requirements; departmental construction	1945	635
Compromise; director authorized to make	1953	557
Decree of offenses and penalties under beverage act	1939	233
Definition of word "intoxicated"	1937	229
Director		
Alcoholic beverage discount between vendor and consumer, setting; without authority	1953	551
Approval of license to club in dry county	1945	640
Authorized to revoke license for violation of school code	1939	167
Effect of approval of application for license	1945	634
Municipal licenses, revocation, authority	1949	496
Power to exempt from excise tax	1945	635
Violations, compromise; authority	1953	557
Discounts, setting; between vendor and consumer; director, without authority	1953	551
Distribution to wrong municipality; correction of error	1957	831
"Drunken driving law," enforcement	1941	765
Employees		
Application of workmen's compensation law	1947	446
Authority to execute search warrants	1945	631
Deceased; payment of expenses of last illness and burial	1947	446
Group insurance; payment of premium from operating fund	1941	90
Intoxicating liquors		
Hours of sale	1941	697
Interpretation	1941	697 698
Sale		
Minors	1941	700 701
Transactions constituting	1941	690
Licensee, violator of city ordinance or county resolution; suspension or revocation of license, authority	1955	95
Licenses		
Alcoholic beverages, revocation, reissuance	1941	691
Authority to revoke, liquor stores	1937	216
Club license, issuance in dry county	1941	689
Excise tax, United States army officers' clubs, etc.	1941	689

Subject	Year	Page
ALCOHOLIC BEVERAGES AND LIQUORS (cont.)		
Beverage department (cont.)		
Licenses (cont.)		
Liquor store near school	1941	283
Mixed beverages	1941	689
Revocation when prostitution permitted on premises	1941	690
Tax by municipalities	1941	692
Transfer	1941	692
Liquor stores, authority to revoke licenses	1937	216
Motor vehicles		
Purchase; central purchasing	1949	159
Seizure	1941	695
Use after seizure	1941	695
Operating expenses	1935	401
Pensacola bay bridge not required to give free passage	1937	227
Police officers, employed or engaged in beverage business; prohibited	1955	54
Port wine, sale to minors, prosecution procedure	1941	701
Property seized in accordance with violations of law; sheriffs, rights and duties	1955	97
Purchase of automobiles, central purchasing	1949	159
Restaurants, classification and taxability	1941	228
Search of licensees' premises without warrant; constables	1945	632
Search warrants		
Issuance; cigarette tax law; beverage law	1949	611
Service by supervisor; authority	1953	559
Still, unlawful possession	1941	701
Supervisors		
Execute warrants for arrest, authority	1945	632
Inspectors, employment authorized	1933	335
Mileage when summoned to testify in criminal cases; not entitled to	1939	87
Search of dwelling; admissibility of evidence seized	1953	665
Subpoena of witnesses	1941	694
Witness fees and mileage when summoned to testify in criminal cases, not entitled to	1939	87
Violations of act	1941	703
Blood test; as proof to degree of intoxication; admissible in evidence	1957	840
Boundaries, state of Florida	1937	227
Branch office used for storage not subject to additional tax	1933	334
Branding	1909	52
Brands; registration fee	1953	548
Bridge corporation not authorized to give free passage to beverage supervisors	1937	227
Chartered or incorporated clubs, if entitled to reduce license fee	1937	229
Child labor law, interpretation	1941	607
Church or school; distance from, sale	1935	314
Churches; proximity of vendor to unoccupied lot	1947	495

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
ALCOHOLIC BEVERAGES AND LIQUORS (cont.)			ALCOHOLIC BEVERAGES AND LIQUORS (cont.)		
Cities and towns			Custodian after seizure	1929	175
Licenses, revocation by director	1949	496	Decalcomania revenue stamps; proceedings required when purchased, etc.	1957	435
Ordinances of Fort Lauderdale requiring distributors to have office agent in city, is superseded by state beverage act	1933	333	Definitions	1943	444
Regulation, authority	1935	312	Words "intoxicated" and "under the influence of"	1937	229
Right to enact ordinances regulating sale, hours of business, and location of places of business	1939	136	Delivery to ships; excise tax	1947	501
Citrus and other fruit syrups; containing only one half per cent of alcohol not classed as	1931	930	Differential wine tax provided for should be collected on each type separately	1937	240
Clerk, circuit court; custodian	1929	347	Discount allowance between vendor and consumer, setting; director without authority	1953	551
Clerk's fee for convicted persons; recordation	1955	281	Distance from school in municipality	1945	409
Club licenses			Distribution of moneys, construction	1937	2
Approval by director of beverage department	1945	640	Distributors		
Dry counties; conditions	1945	640	Interest in vendor contrary to law	1937	230
Issuance in dry county	1941	689	Prohibition against financial aid to vendors	1947	499
Reduce liquor license fees, whether entitled to	1937	229	State and county license; requirements	1933	330
Requirements; departmental construction	1945	635	Driving while intoxicated		
Clubs			Proof of impairment of defendant's normal faculties necessary	1959	100
American legion, sale of alcoholic beverages to non-members	1953	562	Prosecution	1945	481
Construction of words "nonresident guests" beverage act	1937	217	Drug stores		
Hours of sale	1947	497	Confined to sale of wine for sacramental purposes unless licensed under chapter 15884, Laws 1933	1933	322
Social or fraternal; alcoholic beverages, transport and storage in dry county; validity	1951	623	Required to procure license in order to sell	1933	323
Sunday sales; legality	1953	562	Drunkenness		
Compromise; beverage law violations; director, authority	1953	557	Generally	1935	301
Confiscation			Jurisdiction	1935	304
Custodian	1927	307	Dry and wet counties, defined	1905	202
Disposition	1935	320	Dry counties		
Intoxicants not lawfully turned over to hospitals	1917	152	Legality of transportation and possession, for consumption only in dry county, after legal purchase in wet county	1939	138
Consignment, unlawful for distributor to deliver beer to vendor on consignment	1933	336	Possession in, for personal use lawful	1933	325
Constables; authority to enforce laws concerning search without warrant; licensed premises	1949	68 498	Search and seizure; disposition of whiskey seized	1955	389
Constitution prohibits manufacture and sale	1931	1066	Election day		
Constitutional amendment proposed to article XIX; time of taking effect	1933	318 372	Sale prohibited	1951	202
Corporations to manufacture	1935	323	Special primary		
Counties maintain status in effect December 31, 1918, unless election held	1933	313	Sale of liquor	1951	201
County commissioners; hours of sale; power to regulate in parts of county	1949	496 497	Effect of §104.381, F. S.	1953	117
County voting dry does not cancel outstanding license	1939	499	Employees of beverage department; authority to execute search warrants	1945	631
Criminal warrant for illegal sales	1935	309	Employment of minors under child labor law	1939	372
Curb service; intoxicating beverages; legality	1947	509	Entertainment furnished by certain businesses dealing in; license tax	1955	665
			Establishment where sold not to be located nearer than 300 feet to school site	1939	167
			Excise taxes; beverage act, penalties for violating section 15 of chapter 16774, 1935	1937	234
			Expenses, seven per cent of collections allowed	1937	239
			Federal government not required to pay stamp tax	1937	233

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ALCOHOLIC BEVERAGES AND LIQUORS (cont.)		
Fees		
Clerk circuit court in re seizure and custody	1927	314
Expert witnesses	1937	231
Transporting liquor into courtroom as evidence	1931	481
Felons; pardon, full and unconditional; license to sell or distribute alcoholic beverages; eligibility	1959	235
Fermented malt liquors, manufacture, in wet counties lawful	1933	332
Financial aid from distributors to vendors prohibited	1947	499
Fingerprinting owner and employees dealing in; power of municipality to enact ordinance	1959	119
Foreign vessels, sold from	1919	72
Forfeiture		
Destruction or sale	1941	696
	1943	445
Fruit juices, manufacturers; subject to license tax of \$250.00	1933	336
Funds, establishment	1937	219
Half year license	1935	320
Hospital chapel; applicability of laws governing sale of beverages	1957	513
Hospitals, lawful to receive and possess for use of patients	1933	327
Hotels, seasonal, summer operation of bar; exception license requirements	1953	550
Hours of sale	1941	696
		697
	1943	444
		446
	1947	497
		498
County commissioners; power to regulate	1949	496
		497
Municipal ordinance regulating, enforcement; power of department officers	1959	165
Illegal possession of liquors in all counties, construction	1937	235
Illicit beverages and equipment; sheriffs' duties in connection with seizure and destruction	1955	97
Inspectors, as many as necessary to enforce law, and ten supervisors, may be appointed	1933	335
Interpretation	1941	697
		698
Interstate commerce	1935	316
		317
Intoxicating qualities, law prevailing re proof	1933	314
Jurisdiction		
Circuit and county judge's court	1937	124
Justice of the peace and county judge in law violations	1935	265
Justice of peace, liquor laws; has no jurisdiction	1933	269
Keeley sanitorium; permit for medicinal purposes; state health officer may issue	1929	173
Law does not prohibit manufacture or sale, when	1931	577

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ALCOHOLIC BEVERAGES AND LIQUORS (cont.)		
Liability of constitutionally exempt homestead and personalty; beverage tax	1939	521
Licensed vendors		
Deliveries; consumption on premises, agent's purchase	1949	493
Employment, minors prohibited	1949	447
Search of premises without warrant	1945	632
Violator of city ordinance or county resolution; suspension or revocation of license	1955	95
Licenses	1935	123
Administrator of estate; operation of business of deceased; transfer	1905	140
Approval by beverage director; effect	1945	634
Army dispensaries	1941	689
Beer and wine served with meals	1935	321
Beer; approval of applications	1947	494
Beer bill; sales representative or broker; liability	1933	31
Beverage director; renewals power	1949	486
Claim for refund of overpayment	1951	344
Commission of tax collector for issuing beverage licenses	1935	250
Corporations maintaining warehouses for distribution, required	1933	324
Determination	1943	441
Excess number resulting from transfer	1947	494
Exemption	1935	321
Felons; pardon, full and unconditional; license to sell or distribute alcoholic beverages; eligibility	1959	235
Green Mansions, Inc., special, issuance	1955	903
Hotels and restaurants		
Limitation	1951	620
Special license, transfer to lessee	1955	438
Issuance; effect of 1960 census	1959	758
Mayors and city commissioners, eligibility to hold liquor license	1959	664
Miami Springs villa, banquet hall, additional license, requirement	1955	136
Mixed beverages	1941	689
Motels, requirements	1951	622
Municipalities		
Imposition by	1941	692
Number to be issued in	1947	493
		501
Ordinance; transfer fee; authority	1953	555
Power to levy	1943	443
Small incorporated	1959	716
New census, effective date for	1959	684
Notes, mortgages in lieu of cash payment	1949	486

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ALCOHOLIC BEVERAGES AND LIQUORS (cont.)		
Licenses (cont.)		
Operator of house boat	1935	307
Permits		
Application of law re obtaining	1933	320
Required	1933	319
Power of beverage director; removal	1949	486
Refund for malt and vinous beverages, license holder later purchasing liquor license, prohibited	1935	315
Renewals		
Effect of 1960 census	1959	758
Power of beverage director	1949	486
Revocation or suspension		
Licensee, violator of city ordinance or county resolution	1955	95
When prostitution permitted on premises	1941	690
Sale of, without license; penalty	1905	178
Stores near schools, issuance	1941	283
Tax money, fund to which should be distributed	1933	329
Transfers		
La Belle, city of; without authority to impose a fee or tax	1951	627
License fee	1953	553
		555
Municipal fee; authority	1951	626
Winter Garden, city; without authority to prohibit	1949	487
Vendors; crippled children's hospital, school instruction to children confined in; prohibited	1951	619
Wet counties; requirements	1949	488
Limit of gallons possessed or transported	1935	305
Local option elections See: ELECTIONS		
Malt and vinous beverages See: Beer or wine, this heading		
Malt tonic extract, nonintoxicating not subject license tax	1904	79
Manufacture; prohibited in dry counties	1933	323
Manufacturer		
Distillers, etc.; registration fee, payment	1953	548
Distributor having interest in business of vendor prohibited	1935	315
Fruit spirits, dry counties	1943	442
Intoxicating liquors in dry counties prohibited	1933	323
License tax	1933	21
		30
Malt beverages of more than 3.2% in dry counties not authorized	1935	311
Personal use; beverages containing not more than 3.2% alcohol; no license required	1933	29
Sale of	1925	388
Wines for home consumption	1935	321

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ALCOHOLIC BEVERAGES AND LIQUORS (cont.)		
Mayors and city commissioners, eligibility to hold liquor license	1959	664
Medicinal and mechanical purposes; alcohol for legal use, sale	1933	337
Minors		
Disabilities removed, employment		
Permitted where sold in sealed packages	1939	142
Prohibited	1939	140
Employment where sold; prohibited	1941	604
		605
	1949	477
		495
	1959	322
Sale or delivery of packaged beer or wine; prohibited	1957	455
Moonshine whiskey		
Manufacture in a dry county; prosecution	1945	630
Possession and transportation; prosecution	1945	636
Prosecuting for possession; destruction	1945	119
Seizure; highway patrol, authority	1951	477
Transporting; motor vehicles, confiscation of	1949	493
Unpaid tax; charging offense	1949	498
Motor vehicles; operating while under influence	1935	319
Municipalities		
Authority	1935	327
Automobiles, vehicles; confiscation; transporting illegal moonshine	1949	493
Beer, sale; power to regulate in certain areas	1951	628
Control	1935	318
Hours of sale		
Enforcement by sheriff	1947	498
Power to regulate	1945	637
License tax on distributors; power to impose	1945	627
Number of licenses issuable	1947	493
		501
Regulation of hours and place of sale	1935	329
Sale of wine, wet counties; powers to prohibit	1945	626
Tax levy, powers	1943	443
Wet counties; licenses; requirements	1949	488
Zoning ordinances; churches; Salvation Army; schools	1949	488
		492
Nonintoxicants prohibited	1917	196
"Nonresident guest" of club, construction	1937	217
Order for destroying should be issued to sheriff by judge trying case	1931	516
Out-of-state sales, tax liability	1957	61
Package		
Law, inquiry relative	1935	302
Stores opening into another building contrary to law	1937	233
Penalty		
Possessing "moonshine" in dry counties	1937	235

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ALCOHOLIC BEVERAGES AND LIQUORS (cont.)		
Penalty (cont.)		
Violation of section 15, chapter 16774	1937	234
Personal use, possession in dry territory, lawful	1933	325
Petition for permit to sell	1935	306
Place of business, location	1937	232
Possession		
Generally	1931	1052
	1935	301
Importation and transporta- tion unlawful in dry territory	1933	314
		319
Intoxicating liquors in dry ter- ritory for personal use, lawful	1933	325
Liquors	1935	324
More than 1% alcohol, with- out license	1943	444
Possession or transportation		
Amount	1937	225
Construction	1937	235
Prescriptions by physicians only	1931	748
Proof, chemical analysis	1921	408
Prosecutions, courts	1935	313
Pullman company, sale on cars operated by, unlawful	1933	327
Receipts, excluding expense, to go to old age pensions	1937	223
Refund		
Ad valorem taxes	1947	507
Destroyed revenue stamps	1935	306
Unused portion of license	1919	172
Registrants, list; Orange county	1949	499
Registration of brands; fee	1953	548
Restaurants, special licenses		
Employment of minors under certain circumstances pro- hibited	1959	322
Operation of package store; sale of beverages for con- sumption off premises	1957	343
Retail dealer, wholesale dis- tributor may sell, anywhere in the state	1933	333
Reward		
Evidence of sale, repeal of law authorizing	1913	245
Officer in detecting sale of	1907	199
Sales		
American Legion; non- members	1953	562
Authorized, when	1931	1022
Certain areas; zoning regu- lations	1951	624
Certain beverages contain- ing more than 3.2% al- cohol	1933	316
Cities in dry counties	1947	622
Clubs	1909	38
Deputy sheriff; connection with; prohibited	1953	24
Discount allowance; vendor and consumer; director without authority	1953	551
Distance from public or pri- vate schools	1945	629
Dry counties	1941	699
Violations	1905	191
Dry precinct	1935	320
Wet county	1935	324
Election day; prohibited	1951	202

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ALCOHOLIC BEVERAGES AND LIQUORS (cont.)		
Sales (cont.)		
Extracts, perfumes, toilet preparations or medicines, application	1931	999
Felons, employment; le- gality	1955	777
Generally	1907	183
		209
Hospital chapel; applicability of laws governing	1957	513
Hours of	1947	497
		498
County commissioners; power to regulate	1949	496
		497
Regulation by cities and counties	1953	560
Illegal; sheriff's duty	1905	187
Lawful for medicinal, scien- tific and mechanical pur- poses	1933	337
Married minor	1943	447
Minors		
Prohibited	1939	136
Prosecution procedure	1941	700
		701
Municipalities; power to regu- late in certain areas	1951	628
Officers of, in connection with sales of beverages; pro- hibited	1953	24
Prohibited, when	1931	1027
Proximity		
Church or school	1937	232
	1945	630
Lot upon which church is to be built	1947	495
School; Escambia county	1947	491
Regulation by cities and counties	1953	560
Separate locations; license requirements	1949	493
Special primary elections	1951	201
Effect of amendment of §104.381, F. S.	1953	117
Sunday; legality	1945	637
	1947	496
Supervisors of beverage de- partment; authority to exe- cute warrants for arrest	1945	632
Transactions constituting	1941	690
Vendor's license; issuing of- ficer	1945	626
Wet counties		
Malt or vinous beverages in excess of 3.2% al- cohol lawful	1933	316
		326
Precincts voting dry per- mitted	1933	329
Without license; penalty	1905	178
Schenley Industries, Inc., wine license, issuance upon certain conditions	1959	72
Schools, construction of word	1937	218
Searches and seizures		
Affidavit	1937	225
Clerk, criminal court of record custodian	1931	468
Constables; without search warrant; jurisdiction	1949	498
Destruction of stills, construc- tion of law	1929	327
Dry counties	1943	445

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ALCOHOLIC BEVERAGES AND LIQUORS (cont.)		
Searches and seizures (cont.)		
Dry counties (cont.)		
Disposition of seized whiskey	1955	389
Illegal; without search warrants, motor vehicles	1949	610
Law governing	1917	157
Manner in connection with violations	1935	318
Search without warrant	1951	782
Searching automobile, application of law	1931	949
Service by supervisor	1937	238
Sheriff's fees	1941	38
Second offenders; crime with which chargeable	1947	508
Securities, warehouse receipts not classified as, under chapter 14899, 1931	1933	321
Sheriffs		
Constables, police officers; search with or without warrants re sales contrary to law	1904	61
Fees for destroying	1927	387
Sales	1949	46
Shipment		
Dry counties	1935	325
Wet counties allowed	1933	325
		328
Slot machines, operation by vendors of beverages	1935	308
Small incorporated municipalities; licenses allowed	1959	716
Special elections, time for holding	1935	305
Stamp taxes	1935	305
Sales out of state required, when	1937	240
Stamps, unused; classification as class "A" intangible personal property	1957	778
State chemist, analysis	1923	171
Statutes effective	1935	304
		324
Stills		
Seizure by sheriff; forfeiture; procedure	1941	702
Unlawful possession	1941	701
Storage		
Transported from wet to dry county; social or fraternal clubs; validity	1951	623
Warehouse in dry county for sale in wet county	1939	139
Strawberry wine, sale in dry counties; legality	1905	196
Sunday sales; legality	1947	496
		497
Taverns and beer parlors; proximity to church or school	1951	628
Territory where sale permissible	1943	443
Transfer	1947	494
		496
Transportation		
Across this state by private conveyance	1917	208
Certain liquors into Florida	1925	277
Dry county, into; unlawful	1933	314
Generally	1921	348
Unlawful	1931	783
Wet to dry county; social or fraternal clubs; validity	1951	623

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ALCOHOLIC BEVERAGES AND LIQUORS (cont.)		
Unused liquor stamps, classification, by tax assessor	1957	778
Various questions answered	1935	326
Vendors		
Established church; distance measured; shortest routes	1949	486
Exhibiting free motion pictures; liability for additional license tax	1947	500
Financial aid by distributors prohibited	1947	499
Licenses and renewals thereof; effect of 1960 census	1959	758
Veterans not exempt from license	1935	53
Violations		
Compromise; beverage director, authority	1953	557
Law forbidding transportation into state for beverage purposes	1931	783
Warehouse receipts not securities	1937	374
Warrants		
County judge's fee for issuing	1933	256
Deceased state officer or employees, how issued	1933	613
Wet counties See: WET COUNTIES		
Wheel numbers; free bottle; violation	1949	581
Wholesale stock; assessment; ad valorem personal property tax; federal tax	1949	251
Wholesalers; refusal to sell to retailers	1943	434
Wine		
Domestic wines, sale	1909	88
Drug stores confined to sale, for sacramental purposes unless licensed under beverage act	1933	322
Hours of sale	1941	696
Legal hours of sale	1945	628
Manufacturer's license	1933	324
Municipal license tax, amount	1933	331
Municipalities		
Right to enact ordinances regulating sale, hours of business, and locations, etc.	1939	136
Wet counties; power to prohibit sale	1945	626
Sale of domestic	1909	88
		89
Tax		
Collectors entitled to fees for collecting license	1933	30
Differential	1937	240
Vendors; proximity to school	1945	408
Zoning		
County commissioners; powers	1947	492
	1951	624
Municipalities, powers	1947	509
	1951	628
Ordinances restricting certain areas from sale of; effect on licensed vendors	1955	655
ALIENS		
See also: ELECTIONS; SALT WATER FISHERIES; GAME AND FRESH WATER FISH; FISH AND FISHING		
Alien resident not subject to non-resident license	1909	43
Basic sciences, examination	1943	399

Subject	Year	Page	Subject	Year	Page
ALIENS (cont.)			ALLIGATORS (cont.)		
Boat and fishing licenses, liabilities	1951	512	Defined	1955	667
Census by the state, official, taking	1917	134	Hides, disposition by court	1943	327
Definition	1941	498	Hunters; license requirements	1955	667
Eligible to be employed in public school system, when	1939	202	Sale and shipment, Broward county	1941	482
Employed in fishing by residents	1917	322	Altamonte Springs, town of; town council; volunteer fire department, appropriation, authority	1953	176
Fishing with hook and line	1917	145	Ambulance; emergency vehicle, authorized	1955	349
Florida state hospital			Amelia Island; speed zones; establishment; enforcement	1949	351
Admittance; eligibility	1943	360	Amendments See: CONSTITUTION, FLORIDA STATE		
		363	American bank and trust company of St. Petersburg; mortgage, procedure for cancellation	1939	18
Fresh water fish license, boat license	1935	656	American guild variety artists; labor unions; members' salaries; employer bond	1949	438
Homestead exemption			AMERICAN LEGION		
Not entitled to	1935	64	Automobile, free chance; scheme to increase attendance to Tangerine Bowl; violation of lottery law	1953	669
Property owned by wife and alien husband	1935	66	Club liquor license, sale of liquor on Sundays; nonmembers	1953	562
Subject to intangible property tax if claimed	1941	202	Home; county commissioners not authorized to make donations	1931	467
Insurance agents; license; United States citizenship no requirement	1949	534	Property exempt from taxes	1929	370
Lewis scholarship, eligibility	1945	429	Pugilistic exhibits, authorized to hold	1927	444
License tax required to be paid, when	1923	159	AMERICAN RED CROSS		
Literacy requirements for entrance into United States	1941	796	Solicitation of funds; permit requirement; exemption	1955	493
Loyalty and anti-communist oaths	1949	591	Utility taxes, exemption	1957	125
		594	American Sumatra tobacco corporation; voluntary benevolent or relief association of employees of an employer; subject to insurance laws	1953	625
Masseurs; citizenship, registration, etc.	1943	423	American tract society; annuity gift agreement; insurance business in state	1949	529
Masseuses apprentice certificate; registration requisites	1949	463	Amusement devices See: AMUSEMENTS		
Naturalization, both parents; child becomes citizen of United States	1949	329	AMUSEMENT PARKS		
Notary public; eligibility for appointment	1947	627	License	1933	26
	1951	215	May be granted before opened and equipped	1931	873
Nurses			Taxes under section 1080, exemption under section 1268	1931	616
Issuance, temporary permit	1943	408	AMUSEMENTS		
Licenses; eligibility	1945	575	See also: SHOWS AND ENTERTAINMENTS		
	1947	457	Entertainment furnished by certain businesses; license tax requirement	1955	665
Registration	1943	409	Miniature automobile racing; license tax	1947	268
Old age assistance rolls, welfare board not authorized to exclude	1939	427	ANATOMICAL BOARD		
Ownership of property	1935	757	Attorney general, legal assistance	1953	345
Property			Cadavers		
Located in state subject to intangible personal property tax	1939	472	Loan to university of Florida; legality	1953	345
Rights	1925	394	Procedure in obtaining and distributing	1953	345
Real estate; right to purchase.	1945	770	University of Miami, acquired by; transfer	1953	345
Resident			State health officer; designation of representative	1953	345
Right to delayed birth certificate	1945	522	Stationery, state seal not required	1953	345
Unqualified for appointment as notary public	1933	583	Anesthesia, medical; practice of by dentist, without license issued by medical board; prohibited	1959	13
Unnaturalized spouse of citizen; elector, eligibility to register	1947	54	Anesthetics See: NURSES AND NURSING		
Welfare rolls, interpretation of law concerning dropping	1939	428			
Wife of American citizen; entitled employment; merit system	1949	154			
ALIMONY OR SUPPORT					
Justice of peace; issuance of warrant under criminal action for nonsupport; authority	1957	531			
Alimony payments See: DIVORCE					
ALLIGATORS					
Construction of special act	1939	393			

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
ANIMALS AND ANIMAL INDUSTRY			APARTMENT HOUSES (cont.)		
See also: CATTLE; LIVESTOCK			Material	1923	189
Hogs			Operation; cooperative ownership		
Other livestock; running at large,			plan; more than two leased by pro-		
impounded; Levy county	1949	507	motor; jurisdiction state hotel		
Roaming at large; fencing laws;			commission	1949	471
enforcement	1949	508	Owner of, liable to prosecution	1923	192
Serum and virus; board of con-			Project; federal housing administra-		
trol entitled free distribution	1949	505	tion; hotel commission license		
Livestock			fees; exemption	1951	596
Fenced by owners; referendum			Remodeling, regulation by hotel		
election; Nassau county	1949	507	commissioner	1941	662
Gadsden county; sheriff; no			Room rates, advertisement; investi-		
compensation; picking up ani-			gation by commissioner; with-		
mals running at large	1949	39	out authority	1953	517
Impounding; transportation			Roosevelt apartments, housing proj-		
costs; sheriffs	1949	505	ect; application of definition	1953	515
		506	Space heater installations; enforce-		
Marks and brands; Holmes			ment of regulations by commis-		
county	1949	482	sioner	1953	512
Roaming on highways; enforce-			Taxes		
ment duties	1949	505	Law repealed but prior taxes not		
Running at large, impounded;			affected	1931	844
Levy county	1949	507	Tax on each room, statute up-		
Poison, whether lawful under cer-			held imposing	1929	234
tain conditions to place in trap	1927	264	Undesirable guests and tenants,		
Ann Lisbeth Seese private school; tax			right to eject	1953	55
exemption	1947	191	Unfurnished		
Anna Maria Island fire control district;			Inspection fee	1923	191
municipal corporation; commission-			Jurisdiction of state hotel com-		
ers; governor no authority to appoint	1949	212	mission	1949	471
Annual tax report of corporations See:			Workmen's compensation act, status		
CORPORATIONS			janitors and managers under	1937	334
Annuities See: INSURANCE			APPEAL AND ERROR		
Anthony, town of; street tax, lia-			Accrued costs not required to be paid		
bility of certain persons	1905	138	by defendant	1937	122
Anti-hog cholera serum and virus			Board of adjustment, jurisdiction	1951	236
See: HOG CHOLERA			Bulkhead lines; time for filing ap-		
Anti-rabies campaign See: RABIES			peals from establishment	1957	578
Apalachicola bay; shrimp; closed			Clerks, fees in appellate proceed-		
season; taking	1949	412	ings; amount	1959	507
Apalachicola bridge; contractors,			Constitution amendment proposed to		
payments	1919	279	article V, construction; appeal		
APALACHICOLA, CITY OF			"as a matter of right"	1955	884
Boats, power to tax	1955	839	Costs in criminal case; payment, sol-		
Firemen's relief and pension fund;			vent dependent, prerequisite to		
part time employees; eligibility	1949	210	supersedeas	1947	599
APARTMENT HOUSES			County judge's court to criminal		
Building plans to be approved	1923	187	court; procedure outlined	1951	776
Cooperative, when liable for li-			Court reporter; compensation; crimi-		
cence tax	1927	267	nal court of record; transcripts	1949	38
Definition; apartment house, ef-			Criminal		
iciency apartments; within			County judge's to circuit court;		
jurisdiction	1949	473	officer responsible to represent		
Fictitious name statute; require-			state	1951	776
ments	1951	756	Judgment, sentence, order; stay		
Leased land; health and sanitation;			of execution	1951	775
jurisdiction state hotel com-			Prosecuting attorney; duties	1943	108
mission	1949	469	Statute, construction	1931	623
License taxes			Estreatment, supersedeas bond, etc.;		
Construction of law	1929	204	procedure	1947	604
Enumerated	1927	268	Felony conviction, pending appeal		
Required in amended law;			from such conviction; eligibility		
enumerated	1927	266	as an elector or candidate for		
Licenses			office	1959	510
Classification	1941	662	Fine and cost bond, effect	1941	777
Computation of units	1941	664	Judgment and sentence; appeals as		
Law construed as to liability			supersedeas; payment of cost	1953	52
for license of persons renting			Justice of peace; validity of acts per-		
to tenants	1929	279	formed under statute declared un-		
Reinstatement, revocation	1941	665	constitutional, pending appeal	1955	738
Revocation or suspension of; le-			Municipal court		
gally advertised room rates	1953	517	Circuit court		
Subject to inspection, tax	1931	435	From conviction; transmission		
		436	of record	1955	503

Subject	Year	Page
APPEAL AND ERROR (cont.)		
Municipal court (cont.)		
Circuit court (cont.)		
State attorney inactive	1953	17
Convictions	1951	781
Drunken driving; supersedeas	1955	88
Prisoner; custody pending appeal	1947	602
Real estate commission, orders of; filing transcript of record	1947	466
Supersedeas bond; liability, county, for premium	1947	562
Supreme court rule on appeal, copies of brief; conflict of rules and law	1949	609
Appearance bonds See: SECURITIES; SURETIES		
APPOINTMENTS TO OFFICE		
See also: GOVERNOR; Specific heads		
Absence of holder, filling office, temporary	1947	39
Acting assistant state attorney; power of governor	1945	103
Building engineer, by county board of public instruction; legality	1943	245
Circuit judge	1923	67
Eligibility of legislator	1945	103
Citrus commission member; eligibility of state senator	1947	523
Commissioner state welfare board, not authorized	1937	492
Commissions		
Issuance, oath, tax, etc.	1947	127
Ministerial duties of secretary of state	1945	96
County executive committee members		
Elections; evidence	1949	140
Vacancy; military service	1949	144
County solicitor; filling vacancy	1945	218
Court reporters; constitutional courts of record	1947	28
Deputy constables		
Constables, authority of to appoint	1945	146
Local bill unconstitutional	1949	22
Deputy sheriffs	1923	288
Dual offices See: DUAL OFFICES		
Election boards; county commissioners	1949	101
Elective office		
Ad interim appointment	1911	73
Vacancy in, term	1945	404
Elisor; county liable for payment of services	1949	54
Fire control district commissioner; term of office	1947	127
Florida merit system; qualified residents; priority over non-residents	1949	155
Governor		
Authorized to suspend, when	1937	459
Power to withdraw	1945	781
Harbor master; entitled to records of predecessor	1949	576
Inspectors, chemical division	1923	168
Judge and solicitor, court of record; terms	1945	219
Law library board; director; term of office	1949	202
Municipal judge, law partner, city attorney eligible	1949	449
Notaries public		
Alien, eligibility	1947	627
Applicant's intent established; legal residence, Florida	1949	162

Subject	Year	Page
APPOINTMENTS TO OFFICE (cont.)		
Notaries public (cont.)		
Legal residence requirement	1949	162
Married female minor; eligibility	1947	134
Qualifications	1941	125
Residence requirement	1947	626
Oyster conservation commission; members; four year term	1949	410
Parole officer; governor to appoint	1945	759
Personnel; county schools; nomination; authority trustees	1949	292
Pest control board; two year member; eligible for appointment; three year term	1949	464
Pilots	1923	82
Pinellas utility board; vacancy; jurisdiction of governor	1949	28
Primary elections; clerks, inspectors; election boards	1949	103
Probation officer		
Appointment judge of juvenile court; legality	1945	548
Duval county; term	1945	136
Governor to appoint	1945	759
School board members, additional		
County	1945	383
Date of appointment	1947	282
Salaries	1947	289
Time of taking office	1947	284
Schools		
Personnel; revocation; reappointment	1949	291
Principals, by county school board	1945	377
School board member; term	1945	380
Special officer, by court	1945	153
Supervisors of registration; chief deputy; Escambia county	1949	119
Term, unexpired	1923	293
Traffic officer	1925	101
Appraisal; property in county; expense payment	1953	156
Appraisal board; professional property appraisal company; employment, as well as appointment of board of appraisers; commissioners without authority	1957	73
Appraisers; real estate appraisers employed by commissioners under supervision of tax assessors; authorized	1957	862
Appreciation day plan; free prizes; whether violative of the gambling laws	1953	672
APPRENTICESHIP COUNCIL, FLORIDA		
See also: INDUSTRIAL COMMISSION, FLORIDA		
Apprentice training programs; apprenticeship committee or labor union liability to suit	1957	283
Chairman; secretary, appointment; powers	1951	568
Operation, release of funds for	1951	590
APPROPRIATIONS		
See also: Specific heads		
Adjutant general	1935	422
Agricultural and mechanical college for negroes	1943	284
Agricultural college fund	1935	413
Agricultural experiment station		
Money may be used for research work, when	1939	15
Salaries and necessary and regular expense	1939	9
Agricultural marketing board	1939	13
Altamonte Springs; volunteer fire department, appropriation for; authority	1953	176

<u>Subject</u>	<u>Year</u>	<u>Page</u>
APPROPRIATIONS (cont.)		
Anti-hog cholera serum; may be carried forward second year	1937	456
"Appropriate" unnecessary to be used	1937	13
Appropriation act of 1933, application of to the state road department	1933	388
Attorney general, incidental expenses	1941	5
Auditing department; unexpended balance, use	1945	102
Auto tag numbers, selected; repeal; continuing appropriation	1949	360
Auto theft department	1935	403
Does not repeal law re motor vehicle license commissioner and	1933	380
Available, when	1921	119
Balance		
Reverting	1921	112
Unexpended, carried forward	1933	381
Bang's disease vaccine; amount, effective date	1945	648
Beef, marking, state livestock sanitary board; enforcement, duties	1949	505
Beverage act	1935	402
Distribution of moneys under Funds collected under, excluding expenses, to go to old age pensions	1937	223
Beverage department, operating expenses of	1935	401
Biennial, commitment from; payment after biennium	1951	439
Board of control		
Payment for labor from necessary and regular expense fund, authorized	1937	1
Re school of forestry	1937	1
Branch experiment station expenses; purchase of site	1945	441
Census of 1935	1935	415
Certain officers, salaries of not to conflict with salary fixed by statute	1933	379
Chain store act, enforcement	1935	397
Chapter 17474, 1935	1935	399
Circuit judges	1935	673
Salaries, payment of deficit	1947	24
Citrus commission; salaries and headquarters operation expenses; limitation	1957	736
Clerks		
Employment	1917	256
Traveling expenses, payment	1919	232
College of forestry; unexpended balance; use	1947	351
Commissioner of agriculture authorized to pay salaries	1937	277
Common labor as used in general appropriations act, defined	1959	207
Comptroller		
Benefit payment warrants, authorized to pay expense of issuing	1939	1
St. Augustine historical preservation and restoration association and city of St. Augustine, warrant payable jointly	1939	4
Tuberculosis board, authorized to transfer	1937	487
Conservation department	1935	647
Appropriations, consolidation	1933	335

<u>Subject</u>	<u>Year</u>	<u>Page</u>
APPROPRIATIONS (cont.)		
Constitutional		
Amendments, payment of delayed invoices for printing	1935	417
Question as to amendment to appropriation act	1919	282
Construction		
Certain provisions	1931	272
Laws making	1919	190
		201
Continuing		
Oyster culture work, repealed	1949	413
Repealed where not trust funds; specific funds	1949	443
Contract and pay current bills, authority	1939	1
Cost of administration of certain funds, not included in general appropriation	1933	384
Counties		
Hospital; power of county commissioners	1945	261
Purchase public liability insurance, without authority	1949	337
Retirement system expenses; unexpended balance, use	1945	262
	1947	168
Road and bridge fund to receive funds when for use state road department	1937	419
School fund, continuing from general revenue fund	1937	5
Crime, persons wanted for	1933	394
Crippled children's commission	1935	502
Amount	1945	523
Dade memorial park	1921	130
Deaf and blind school		
President's salary	1947	352
Surplus funds, transfer	1947	368
Deficit, first year of biennium may be carried into and paid out of appropriation for second year	1933	393
Emergency fund		
Amount, period	1945	462
Purposes for which expendable	1945	504
Employment board, state	1935	405
Erroneous total, items appropriated for govern over	1933	383
Everglades experiment station, debt service fund, payment	1941	324
Everglades fire control district unexpended balance, used	1937	6
Everglades national park commission, salaries and expenses, authorized to be paid	1937	6
Extraordinary session; not within governor's call	1949	25
Federal		
Funds for state purposes; transmittal to counties	1945	465
Grants, reappropriation	1935	400
Fire control districts	1943	302
Flood control fund; expendable only in cooperation with federal projects	1951	517
Florida state hospital	1935	770
Forestry and parks board	1935	406
	1937	306
Release of emergency appropriation by budget commission	1947	372
Former school teacher's funds authorized; special pension	1947	628
Frozen dessert act, construction	1937	8
Funds		
Revert to treasury, when	1919	208

<u>Subject</u>	<u>Year</u>	<u>Page</u>
APPROPRIATIONS (cont.)		
Funds (cont.)		
Use; item 16 (g) (4)	1953	356
Game and fresh water fish com- mission, expenditures and budget- ary restrictions; applicability	1953	429
Gasoline taxes	1935	421
County commissioners; direct control	1949	272
General appropriations act, con- struction of, with \$9216.171 and 216.23	1959	167
General revenue		
Items not otherwise specified to be paid from	1933	386
Livestock sanitary board, ex- penditure from, for employ- ment of veterinarian, au- thorized	1933	391
Payable from, unless otherwise specified	1933	384
Geological survey	1919	207
State	1937	12
Surplus funds	1949	409
Governor's veto		
Authorized to strike out portion	1949	27
Overriding effective date	1947	615
Guide meridian and base parallel, purchase of land	1935	419
Heads of departments, salaries in- cluded	1933	381
Hog cholera serum and virus		
Amount, effective date	1945	648
Effective date	1943	449
Exhaustion	1945	647
Other funds, use	1947	521
Hotel commission	1933	384
Act creating commission; preced- ence over general appropria- tions act	1933	387
Improvement commission		
Expenses, manner of paying	1945	553
Unexpended balance, use	1947	442
Indemnity payments to owners of cattle	1937	456
Industrial commission, Florida		
Elevators regulated; fees collect- ed, use	1951	549
Private employment agency act; fees, trust funds or continuing appropriation	1949	337
Industrial school for girls; utility men, payment	1937	7
Interim legislative investigating committee; expenses	1945	89
Items in appropriations, transfers, prohibited	1955	760
Judah P. Benjamin memorial, Gamble mansion	1935	412
Judges, state attorneys and court reporters, salaries, construction	1933	381
Judicial department	1935	420
Jurors, procedure for payment, when appropriation insufficient	1933	392
Labor inspection, state, salaries and expenses	1939	8
Law examining board, deficiency salaries, to be paid	1937	9
Legislative expense	1935	419
Legislative reference bureau; ap- plicability of chapter 59-500	1959	198
Legislature		
Authorized to make provision for families of men murdered	1939	49

<u>Subject</u>	<u>Year</u>	<u>Page</u>
APPROPRIATIONS (cont.)		
Legislature (cont.)		
Delegation of certain legislative powers to chairman of senate and house appropriation com- mittee, validity	1957	194
Library		
Free service; election required before expenditure of funds	1949	199
State library, funds, depositing	1943	296
Library board, state		
Contracts, transfers of funds	1949	334
Second year, use	1939	16
Livestock sanitary board	1935	499
Amount	1939	9
Available, when	1943	238
Balance as part new fund included	1939	7
Right to spend for anti-hog cholera serum and hog cholera virus	1939	398
Marketing bureau	1917	305
	1919	231
Construction	1937	344
Milk control board	1935	407
Miscellaneous items	1933	383
Motor vehicles		
Auto theft and license department	1935	403
Department	1933	382
License commission, interpreta- tion	1933	382
National guard	1933	387
Payroll of members authorized	1933	394
Necessary and regular expenses, use of funds appropriated for sal- aries for payment	1933	391
Old age assistance; amount; source	1945	544
Osteopathic medical examiners board, expenses	1949	451
Oyster beds, planting and rehabili- tating	1933	502
Parity act, re construction payment of state salaries and appropria- tions for school system	1939	4
Parks and historic board memorials; expenditures	1949	509
Periods of time, specific	1907	171
Pharmacy board; expenses; approval of requisitions	1945	578
Planning board, state	1935	408
Prior biennium, invoices	1935	413
		417
Prison farm, state	1919	192
	1933	382
	1935	411
		418
Prison fund, delinquent taxes, dis- position	1945	762
Prison system, limitation by 1933 ap- propriation bill on salaries paid employees in connection with sec- tion 8615, C. G. L., 1927	1933	390
Public officers and employees, com- pensation for services as board member	1953	355
Purchasing council, state; status	1955	197
Pure food and drug inspectors; suf- ficient for three inspectors	1913	70
Relief bill		
Dr. W. H. Cox	1921	123
Mrs. Rose Tyson	1935	417
Retirement system; funds; no trans- fer required	1949	167
Revision and codification of school laws committee, per diem and expenses	1937	201

<u>Subject</u>	<u>Year</u>	<u>Page</u>
APPROPRIATIONS (cont.)		
Road department, state	1935	527
Royal palm state park		
Continuing but not cumulative	1937	10
Effect on by a prior continuing appropriation	1933	392
Manner of disbursement	1945	455
Sailors' and soldiers' home	1933	386
Salaries of officials, construction	1931	357
School lunch program; federal aid; administration	1945	375
School of forestry	1937	242
Schools	1935	416
Parity clause of act unchanged by amendment	1937	11
Secretary of state		
Deputies		
Election, in connection with	1939	6
Inspection of voting machines	1939	14
Securities commission	1933	385
Traveling expenses	1935	620
Service officers, state, salaries not authorized to be paid from expense item	1933	386
Slot machine taxes, enforcement	1935	107
Soil conservation act, no provision made	1937	384
Soldiers' home	1907	38
State attorneys, salary	1931	394
State board of health	1933	383
	1935	406
Construction of law, re special fund	1931	419
Health building, use for authorized	1937	2
State		
Building fund		
Buildings not specified in appropriations act, use	1945	472
Sources; expenditure	1945	447
Chemist	1923	168
College for women	1919	264
Forester, construction of law	1931	428
Geologist	1923	193
Health building, construction chapter 18150	1937	2
Hospital, two ward buildings at, use for construction of one ward building	1947	368
Superintendent of public instruction, employees, payment of salaries	1935	451
Storms and weather conditions, forecasting	1935	415
Supreme court building, building fund laws	1949	336
Textbooks, free	1935	404
Payment of bills for, contracted during 1937-39 authorized	1939	14
Veterans	1945	468
Tick eradication, source	1945	468
Tuberculosis board		
Construct, equip sanatoria	1949	419
Expend to establish out-patient department, not authorized	1937	486
Tuberculosis sanatorium	1935	407
Construction	1945	525
Unexpended balance; use	1945	524
Unexpended balance	1935	405
Construction	1931	315
University of Florida		
Dormitories, sale of revenue certificates	1949	336
Expense funds; use for building construction	1947	334

<u>Subject</u>	<u>Year</u>	<u>Page</u>
APPROPRIATIONS (cont.)		
University of Florida (cont.)		
Seagle building	1943	285
Veterans' commission; use of unexpended balance	1945	477
Veto		
Certain items in bill	1917	259
Governor	1943	98
Vocational training; use of unexpended appropriation	1947	475
Welfare board, state		
Employee salary	1949	429
Expenditures	1943	369
Unauthorized to exceed	1939	426
Use of unexpended balance	1937	13
"When available," construction of words	1935	414
World war veterans, educational aid to children	1935	421
ARBITRATION AWARD		
Alleged breach of contract by state; legality	1947	49
Unauthorized interest on voucher; payment by state treasury	1957	526
Arcadia branch of Florida state hospital; Dorr and Carlstrom fields; acceptance by state	1947	426
Archaeology; Florida archaeological survey not subject to gasoline tax	1935	47
ARCHITECTS		
Board of architecture		
Accountants when termed to be practicing without license	1927	240
Architecture act, construction	1927	238
Board of control; increase of fees	1947	366
Construction of act	1927	238
Federal government, required to register unless employed by	1927	238
Florida agricultural and mechanical college; negroes' hospital faulty plans; responsibility	1949	326
Former architects certificate, eligibility	1915	255
Plans and specifications for school buildings	1935	458
Public works contracts	1935	524
School construction; authority of municipality to withhold building permit	1957	631
State contracts, fees	1935	525
Supervising; excess fees hotel commission	1949	473
Trustee on district school project, employment	1939	23
Architecture; professional engineers, practice; authorization	1957	46
Armed forces See: MILITARY FORCES		
ARMISTICE DAY		
See also: SCHOOLS		
Observance by schools	1921	342
	1923	143
Armored car company; checks, cashing for a consideration; whether violative of banking laws	1957	616
ARMORIES		
Apalachicola, deed of armory to	1907	86
		164
Franklin county, lands purchased from; title examination	1904	51
Injury incurred, liability	1953	350
Municipalities, donation of land to armory board of state; authority to convey	1955	575
Rental		
Certain forms of entertainment; occupational license tax requirement	1957	876

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
ARMORIES (cont.)			ARRESTS (cont.)		
Rental (cont.)			Constables (cont.)		
Injuries, liabilities	1953	350	Mileage expense, transporting prisoner	1951	62
War damage insurance, payment of premiums	1941	363	Misdemeanors, beyond jurisdiction, authority	1951	762
ARMORY BOARD, STATE			Municipalities; disposition of prisoner	1949	599
Camp Foster			Traffic violation; limitation	1951	456
Money derived from sale; deposit in state treasury	1939	220	When authorized to make	1927	383
Property conveyance to United States naval air base, Duval county	1939	223	Without warrant; territorial jurisdiction	1945	742
Termite control contract and guaranty, power to enter into	1947	362	County judges		
ARRESTS			Warrant of arrest		
See also: CONSERVATION, BOARD OF; CONSTABLES; GAME AND FRESH WATER FISH COMMISSION; JUSTICES OF PEACE; MUNICIPALITIES; PUBLIC SAFETY, DEPARTMENT OF; SHERIFFS			Chief clerk no authority to sign	1949	597
Appearance bond; power of sheriff to fix amount	1945	739	Clerk to take affidavit for, authority	1955	299
Arrest of person as fugitive from justice from another state; construction of law	1939	62	County traffic officers; fees	1943	189
Arresting officers; fees	1941	35	Criminal cases, without warrant; procedure	1943	497
Bonds, certificates; form; automobile clubs	1951	693	Defendants		
Cash bond; disposition; trial of absent defendant	1945	739	Default in payment of bond; powers of sheriff	1951	772
Children taken into custody; term as	1951	65	Drunk driving cases; drunkometer report, right of copy	1957	83
Common law right of citizen; beverage agents, raids, searches, etc.	1949	489	Drivers of federal vehicles, arrest; police officer, authority	1953	686
Conservation officers or agents			Drunkard, conviction; term served; subsequent arrest; double jeopardy	1951	753
Arrests by; fees	1955	172	Dwelling, entry into without warrant; authority of sheriff	1953	679 686
Convictions; fees	1949	398 399 404	Elisor, raids; sheriffs not entitled fees	1949	43
Mileage	1945	511	False arrest by deputy sheriff; defense, attorney's fees; obligation of sheriff's office	1959	657
Motorboat safety law, enforcement; authority	1959	327	Fees		
Powers	1949	398 399 442	Multiple arrests; sheriff's fees	1947	40
Resisting	1941	494	Other peace officers, payment by sheriff	1945	122
Constables			Peace officers paid by sheriff	1949	49
Arrests without warrants; appearance bonds, fees	1957	219	Sheriffs and constables	1947	163
Assisting highway patrolmen; fees	1949	367	Fine and cost bonds		
Bail bonds approval of by	1955	28	Acceptance by arresting officer	1945	743
Criminal cases; appearance bonds; fees	1949	44 600 604	Forfeiture; obligation of bondsmen	1949	607
Deputy constables; searches and seizures; bail and appearance bonds; justices of peace	1949	62 597 743	Foreign parolees; authority of Florida parole commission	1947	610
Disposition of prisoner	1945	743	Forestry law enforcement officers, powers	1935 1945	549 652
Fees			Game and fresh water fish commission entitled costs; defendant released	1949	401
Court attendance			Game wardens		
County judge's court	1951	62	Acceptance of bail	1945	508
Justice of peace court	1951	62	Mileage fees	1943	332
Territorial limits	1949	72	Harbor masters; jurisdiction; powers and duties	1949	348
Validity of warrant	1945	740	Highway patrol		
Illegal; mileage and fees allowances	1941	35	Appearance bond, capias issued after; service	1953	409 699
Making outside of district, authority of	1937	51	Bail bond, acceptance	1945	494
			Charges; not required to file in justice court	1949	61
			Dade county home rule charter; delivery of prisoners and prosecution of cases	1959	223
			Defendant; disposition, sheriff's fees	1947	385

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ARRESTS (cont.)		
Highway patrol (cont.)		
Delivery of prisoners to sheriff, authorization	1949	367
Evidence, disposition	1945	496
Fees		
Sheriff, not allowed	1949	42
Sheriff or constable	1953	28
Sheriffs	1947	41
	1951	47
Persons failing to return driver's license; authority	1951	489
Powers	1941	29
		409
Procedure	1943	316
State traffic violators, authorized	1939	336
Violations of criminal laws on rights of way; authority	1955	800
Warrant issued by; subsequent warrant issued by county judge unnecessary	1953	391
Information; capias service; justice of peace courts; county courts	1949	606
Judicial officers; power; additional compensation not allowed	1949	57
Justices of peace		
Deputy to serve warrant, power to appoint	1945	740
Fees; appearance and bail bonds; searches and seizures	1949	62
		597
Power to make	1945	143
	1949	589
Process; jurisdiction	1949	68
		69
		614
		615
Trial jurisdiction	1947	36
Without warrant; hearing in adjacent district; defendant returnable to original territorial jurisdiction	1949	597
Juvenile court, counselors or assistant counselors appointed as deputy sheriff; power of arrest; basis for	1959	771
Juvenile delinquents, detention by sheriff; fee	1957	8
Minors		
Duty of committing magistrate; Orange county	1947	437
Notice to parent; forfeiture of bail	1945	750
Municipalities		
Municipal police officers; arrest of person outside municipality; legality	1959	452
Nonresident automobiles; expired inspection stickers	1951	263
Violations of safety code; adoption of same under state workmen's compensation provisions; authority	1959	76
Narcotic drug law, violation; seizure of automobile	1955	16
Nonuniformed deputy sheriff, power of arrest in unmarked car	1955	892
Officer making arrest without warrant; subsequent duty	1947	592
Parole violators		
Arrest without warrant	1945	756
Telegraphic request to sheriff	1945	125
Peace officers		
Nonresident counties, jurisdiction	1951	769

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ARRESTS (cont.)		
Peace officers (cont.)		
Pick-up notices; without warrants; authority	1953	680
Persons with venereal diseases	1941	31
Plea of guilty; entry by arresting officer	1945	743
Police officers		
Aid at request of highway patrolman; authority	1955	492
Arrest without warrant; authority	1959	101
Beverage law violations, authority	1955	54
Beyond corporate limits of municipalities	1955	35
Drivers of federal vehicles, arrest; authority	1953	686
False arrest by; liabilities	1951	764
Florida state hospital	1935	767
Fugitive, arrest; procedure	1951	764
Investigate automobile accidents, make arrest for traffic violation committed on private property open for public use; authority	1957	663
Peace officers; fees paid by sheriff	1949	49
Power beyond city limits	1945	265
		737
	1947	593
Search and seizure after lawful arrest; illegal	1953	686
Summon for assistance in making arrest; powers	1957	816
Traffic violators		
Highways, authority	1949	350
Shooting firearms in pursuit; authority	1955	105
Violations of state laws; liability; false arrest	1949	601
Warrants issued in foreign state; authority	1951	764
Prisoner's right to counsel	1945	738
Rearrest of defendant after release of fine and cost bondsmen	1945	122
Service of process; nonresident county jurisdiction	1949	600
Sheriffs		
Arrest fees; criminal cases; assessed as cost	1957	401
Damages to prisoner's property; responsibility	1949	43
Fees; court approval	1949	41
Mileage fees for arrest; another state	1949	619
Slot machines; possession unlawful; return on nolle prosequi	1949	265
Supervisors of beverage department; execution of warrants	1945	632
Traffic officers, county		
Criminal process, service; within corporate limits of cities; authorized	1953	171
Warrants, arrest with or without; within corporate limits of cities; authorized	1953	171
Traffic violations		
Guaranteed arrest bond certificates; arresting officer, duty	1955	701
Police officer, arrest without warrant	1955	447
Venereal diseases, isolation and treatment; negro selectees	1941	525

Subject	Year	Page
ARRESTS (cont.)		
Violation of state statutes, charges made by highway patrol; prosecution in metropolitan court of Dade county without jurisdiction	1959	223
Violators		
Motor vehicle license laws, sheriff; duties re	1933	63
Municipal liquor curfew; powers of sheriff	1947	498
Waiving preliminary hearing, defendant desiring to plead guilty	1947	592
Warrants See: WARRANTS		
Wildlife officer, person resisting arrest made by; authority	1955	29
Arsenic; law construed as to use	1931	338
Arson; prosecution, predicate for charge	1941	759
Arthropod control See: MOSQUITO CONTROL DISTRICTS		
Artificial sweeteners; food and drink containers containing; location retail stores; requirements	1957	567 568
Asphalt spreaders; license tax, subject to	1937	548
Assessments See: TAXATION		
Assessor of taxes See: TAXATION		
ASSIGNMENTS		
Circuit judge; expense allowance traveling within home county; payment	1949	32
County judge; further assignments, authority of governor	1949	55
Documentary stamp taxes; oil and gas leases	1949	255
Insurance policies for funeral purposes	1941	740
Public officers and employees salaries; issuance of state warrant to assignee prohibited	1953	125
State and county employees accumulated contributions; make good shortages in accounts	1959	75
Surplus proceeds from tax sale	1947	208
Tax sales certificates; advertisement of sale	1949	241
Wages		
Documentary stamp taxes	1949	259
Members of labor union, by; liability for taxes	1959	53
Assistant state attorneys See: STATE ATTORNEYS		
ASSOCIATIONS		
Athletic; pugilistic exhibits, authorized to hold	1927	444
Bank loans to, in which directors are interested; subject to certain limitations	1959	646
Charter, domestic building and loan	1923	91
Nominal tax to be paid	1923	96
ATHLETIC		
Club; nonprofit rooming house; restaurant; hotel commission no jurisdiction	1949	472
Coach See: COACH		
Teams; license	1945	355
Attaches See: LEGISLATURE		
Attendance officer for schools See: SCHOOLS		
ATTORNEY GENERAL		
Anatomical board, legal assistance	1953	345
Appropriation, incidental expenses	1941	5

Subject	Year	Page
ATTORNEY GENERAL (cont.)		
Assistant; advanced witness fees; reimbursement; railroad commission authorized	1949	395
Cabinet officers, opinions official	1925	68
Constable fees, concurs in opinion of former attorney general	1927	131
Franklin county, site for armory; title examination	1904	51
Heads of departments affected, written opinions only given and only to	1921	317
Officer concerned		
Advice only to	1921	252
Opinions given only upon request	1921	245
Policy regarding opinions of predecessors	1927	151
Remittance to treasurer of funds	1923	131
Representative of attorney general		
Florida railway company v. A. C. Croom et al; travel expenses	1907	163
Traveling expenses	1907	163
Resignation	1925	83
School district bonds; validation	1945	419
Use of name in suit	1921	238
Warrants, signing of certain	1907	150 151
ATTORNEYS AT LAW		
See also: STATE ATTORNEYS		
Acting as insurance adjuster	1947	254
Advisor, county commissioners; employment	1951	236
Assist state attorney See: STATE ATTORNEYS		
Bondsman, no law prohibiting from serving as	1927	392
County		
Board public instruction authorized to employ	1937	191
Court judge; eligibility of person not a lawyer	1947	29
Criminal court of record, expenses	1949	76
County commissioners		
County judge's court, authorized to employ	1933	210
Employ for collection defaulted personal property taxes, not authorized	1933	215
Employment in; authorized	1929	336
Employment of; authorized	1945	238
County officers paying for legal advice	1935	220
Court of record judge of Pasco county; also as attorney for county commissioners; legality	1949	51
Defense of action against		
County superintendent; payment of fees by school board	1947	307
Tax assessor; payment of fees by county commissioner	1951	224
Diploma privileges; authority of board of control	1947	336
Disbarment of lawyers	1929	412
Disbarment proceedings		
Court cost		
County, not liable	1949	449
Employment; power of trustee; use of school funds	1949	290
State attorney entitled to expense while investigating outside of state	1937	120
Eligibility of attorney retained by comptroller to participate in retirement system	1947	124

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ATTORNEYS AT LAW (cont.)		
Examination of defendant by two disinterested psychiatrists appointed by court, authority	1959	143
Examiners of nurses' board, employment	1935	494
Fees		
Bail bonds, proceedings to enforce; state or political subdivision, liability	1959	646
Citrus code; defending suits; funds allowed	1949	511
County superintendent of public instruction, payment	1953	320
Criminal prosecutions against agents of Florida park service	1949	509
Defending indigent defendant	1949	606
Defense of deputy sheriff for false arrest, obligation of sheriff's office	1959	657
Delinquent taxes collected, Clay county, payment to attorney from district sinking fund by board of administration	1941	428
Florida park service; attorney fees	1949	509
Grand jurors, civil action, defense attorney	1953	137
Indigent defendant; noncapital case; county commissioners; power	1949	606
Payment authorized	1931	1058
Railroad taxes, collection; amount due to heirs	1905	30
Services rendered to school district trustees, payment	1937	191
Welfare department, salary restriction clause; effect	1951	536
Free distribution; sale; Florida Statutes, 1949	1949	28
Group insurance; issuance; members, county bar association	1947	551
Interview prisoner, has right to	1931	756
Investigations; crimes; constables' fees	1949	48
License tax required	1929	381
	1931	1042
Occupational license tax required	1931	746
		965
Pilot commission not authorized to employ	1933	633
Special tax school district may employ with consent of board of public instruction	1933	414
State attorney See: STATE ATTORNEYS		
State road department authorized to employ	1933	615
Suits against county canvassing board; payment; fees; county commissioners	1947	108
Surety company, as agent for; signature on bail bonds prohibited	1953	693
Witness, interview with, held in custody of public institution; legality	1953	720
AUCTIONEERS		
License tax	1933	36
When required to pay	1925	280
AUDITING DEPARTMENT, STATE		
Appropriation; use of unexpended balance	1945	102
County audit, governmental functions, preference	1951	30

<u>Subject</u>	<u>Year</u>	<u>Page</u>
AUDITING DEPARTMENT, STATE (cont.)		
Employees; eligibility to stand C. P. A. examination	1947	465
Opinions rendered to	1917	372
Sick leave; effect upon assistant's retirement rights	1945	207
Auditorium; cigarette tax fund; joint municipal and state purpose	1949	275
AUDITORS		
See also: COUNTY AUDITOR		
Assistants		
County commissioners' authority to employ	1933	211
Effective date of resignation	1939	225
Retired; in business as certified public accountant; sheriffs as clients, legality	1949	167
Road department; books and records	1949	383
State; books and records, audit	1949	383
Employment; county commissioners, authority	1935	221
	1937	53
Audits; comptroller, Broward county port authority	1935	785
Auto tag agency; duties re issuance of and collection for license tags	1931	386
Auto theft department; appropriation	1933	380
	1935	403
AUTO THEFT FUND		
See also: MOTOR VEHICLES		
Limitation of expenditures	1933	565
Auto transportation companies See: MOTOR VEHICLES		
AUTOMOBILE CLUBS		
Arrest bond certificates, form	1951	693
License fees received from; disposition of	1957	260
Membership card; acceptance as appearance bond	1951	476
Automobile dealers See: MOTOR VEHICLES		
Automobile fleet plan; insurance rate filing; requirements for participation	1949	354
Automobiles See: MOTOR VEHICLES		
AUTOPSIES		
See also: DEAD BODIES; CORONERS' INQUESTS		
Coroner's inquest fees; fund paid from	1949	615
County commissioners, expense; payment	1945	243
Death is natural or accidental, authority to order	1953	715
Deceased person, consent to performance, evidence	1955	632
Florida state hospital	1935	770
Funeral director; no authority to refuse release of body	1955	869
Physician's fees, coroner's inquest, payment	1951	783
Aviation See: AIRCRAFT		
Aviation insurance; premium receipts tax; exemption; industry in conjunction	1959	132
Avon Park air base; governor; authority to cede land to United States	1949	20

Subject	Year	Page	Subject	Year	Page
Baggage; claims for lost	1907	31	BAIL BONDS (cont.)		
Bags and sacks See: SACKS AND BAGS			Fees; approval	1949	597
BAIL			Fine and cost; return date	1953	707
Acceptance of, authorization	1927	120	Forfeiture		
Accused entitled to			Court of record, circuit court;		
When	1927	362	concurrent jurisdiction;		
Where arrested	1927	120	Escambia county	1951	768
County judge's duty to endorse			Criminal cases; action upon		
upon warrant, amount	1927	120	after one-year date elapsed	1957	620
Game warden making arrest, ac-			Disposition	1905	37
ceptance by	1945	508	Enforcement	1941	770
BAIL BONDS			Procedure	1947	596
See also: BONDS					597
Accused entitled to, when	1935	270	Prosecution, subject to	1953	657
Alternate fines after service of			Game violators; guns as appearance		
part of jail sentence; return			bonds; forfeiture and sales	1953	695
date	1953	707	Guaranteed arrest bond certificate;		
Appearance			arresting officers, duty	1955	701
Disposition of money	1949	603	Habeas corpus proceedings; state		
Fees; constables and justices of			attorney; notice	1951	602
the peace	1949	597	Highway patrol		
More than one court, before	1957	362	Acceptance	1945	494
Approval			Amount and applicability, au-		
Acceptance	1935	276	thority to determine	1957	364
Custody, estreatment, etc.	1947	163	Jumpers; prosecution, subject to	1953	657
Fees	1943	495	Justice of peace		
Attorney as agent for surety com-			Fees where appearance bond		
pany; signature prohibited	1953	693	is estreated	1959	428
Bondsmen			Power to furnish in city court	1949	603
Defendant			Limited surety companies		
Serving time in lieu of fine,			Approval by sheriffs	1951	697
not relieved of liability	1933	485	Obligations which may be is-		
Surrender of, to sheriff	1957	450	sued or countersigned by		
License; requirements, termina-			agents	1953	611
tion, etc.	1957	204	Payment of forfeiture bonds		
Occupational license; liability	1953	283	from statutory deposit	1947	563
Power of attorney, signature on			Misdemeanor by prisoner; enter		
bonds; requirements	1957	204	plea of guilty by professional		
Relieved, how	1927	394	bondsman, legality	1949	601
Citation of statutes	1935	799	Mistrial; release of liability, ex-		
Clerk circuit court; professional			tent	1959	332
bondsman; registration required	1949	604	Mullet; closed season; board of		
Clerk criminal court, approval	1935	279	conservation; regulations	1949	409
Common law rules; bond forfeiture;			Municipal courts		
supreme court of Florida	1949	603	Estreatment, penalty	1953	658
Constables, approval by	1947	597	Prosecution for forfeiture	1945	728
	1949	44	Payment by surety after death of		
		600	principal	1935	806
		604	Proceedings to enforce; state or		
	1955	28	political subdivision liability		
Continuance to serve as sufficient			for attorney fees	1959	646
surety when bound over to cir-			Professional bondsmen		
cuit court in same amount, pro-			Clerks circuit courts; registration		
hibited	1957	362	with; requirements	1949	604
Conviction or pre-sentence in-			Issued or countersigned by; ob-		
vestigation; release of lia-	1959	332	ligations	1953	611
bility, extent			Liability, not relieved of, by		
Corporate surety acceptable in			reason of fact that defend-		
federal court	1949	528	ant served time in lieu of		
Declared forfeited, enforcement;			fine; fine and cost	1933	485
prosecuting attorney, duty	1953	696	Licensing		
Default; procedure for enforcement	1945	746	City of Miami	1953	612
Defendant's release			Liability	1953	283
Issuance by limited surety agent			Prosecuting attorneys; principal		
not qualified in county where-			and surety; notice	1949	605
in warrant issued; legality	1957	423	Release of obligator; authority in		
Without posting	1953	693	county where justice of peace		
Discretion in accepting sureties	1917	154	has no criminal trial jurisdic-		
Documentary stamps; requirements	1931	1034	tion	1953	694
Estreat of bonds See: ESTREAT OF			Remittance of forfeiture upon re-		
BONDS			turn of defendant by bondsmen		
Extradition; limitation of days	1937	130	or surety	1959	528
			"Runner" license and qualification		
			taxes	1955	630

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
BAIL BONDS (cont.)			BANKS AND TRUST COMPANIES (cont.)		
Seizure and surrender of principal by surety before forfeiture	1947	596	Annual reports; resident agents for service of process; construction of statute re requirement	1957	805
Sheriff			Armored car companies; cashing checks for a consideration; whether violative of banking laws	1957	616
Duty	1931	642	Assessment, subject to	1925	371
Fee for approving	1941	770	Assets, power to pledge to secure moneys paid into court	1933	307
Surety company, issued by; sufficiency	1945	494	Bank charge plan agreement, not a retail installment transaction	1959	446
BAILIFFS			Bank of Dunnellon; director, qualifications	1904	29
Court duties	1941	26	Basis for tax valuation	1913	92
Meals when accompanying jury, payment for	1935	688	Board of directors		
BAKER COUNTY			Assuming another bank's liabilities, authority	1939	17
County road and bridge funds, payment of	1937	419	Power to effect consolidation of another bank	1939	17
Maccleenny, town of; petition for audit; payment of cost	1947	171	Bound by provision of S. B. 286	1927	176
School board; candidates; nomination; filing fees	1949	330	Branch banking; drive-in banking facilities, etc.	1955	651
Sinking funds, investment by board of administration in bonds	1941	422	Capital below minimum, reduction	1935	293
BAKERIES			Capital stock	1933	305
License					306
Main and branch plants liable for	1931	887	Checks		
Separate plant or business, requirements	1933	21	Cashier's or certified checks, bank money orders; security status	1957	288
State and county, method of determining	1931	1002	Certified check greater security than cashier's check or bank money order	1957	288
Steam	1933	22	Court registry draft; original lost; duplicate issued; procedure	1949	561
BALDWIN			Deposits; banking hours and holidays; liabilities and obligations on banks	1947	571
Drainage district; tax delinquent lands			Part payment on worthless checks as bar to prosecution	1947	587
Assessment; sale, distribution; county settlement	1949	346	Claims		
Sale; proceeds; distribution		242	Against, when closed, certain party would not have preferred	1927	191
Town of; elections, holiday, holding	1951	185	Between banks as county depository and county commissioners	1929	226
Balloon mortgages See: MORTGAGES			Filed with liquidator within one year	1931	840
Ballot boxes See: ELECTIONS			Necessity of holder of certificate of deposit issued under prior agreement, to file proof	1933	293
Ballots See: ELECTIONS			Preferred		
BAND UNIFORMS			Bank liquidation	1933	290
School band; purchase with school funds	1947	291	Depositors, withdrawal within limited period	1933	290
Special tax school district fund, expenditure of; not authorized	1939	205	Limited to amount of cash at time bank closed, payment	1929	218
Bank night; lotteries	1935	802	Resulting from demand prior to bank closing	1935	292
Bank of Dunnellon; director, qualifications	1904	29	Closed banks		
BANKRUPTCY			Claims must be sworn to and filed with liquidator	1931	265
See also: CORPORATIONS			Freezing act, application	1931	917
Corporation			Intangible tax, not subject to	1931	911
Construction of law re report and tax	1931	1060	Liquidation of accounts in re counties and municipalities, rule of set-off	1931	267
Corporate stock issued in connection with bankruptcy reorganization; exemption	1955	678	Right of set-off between closed banks and depositors	1929	230
County board of public instruction, procedure	1941	234	Suit should be brought in name of liquidator	1931	360
Estates; deeds of assignment require documentary stamps	1931	1039			
Florida Shell Rock Company account; payment of dividends	1939	528			
Funds held by trustee; pledge of assets; security	1943	480			
Taxes levied by state, county or municipality, effect of discharge	1933	624			
BANKS AND TRUST COMPANIES					
See also: NEGOTIABLE INSTRUMENTS					
Agreement with corporation to loan money upon oral request; documentary stamp tax liability	1959	341			
American Bank & Trust Company of St. Petersburg; procedure for cancellation of mortgage	1939	18			

Subject	Year	Page
BANKS AND TRUST COMPANIES (cont.)		
Complying with provisions of section 4188, R. G. S., not exempt from	1927	188
Compromise settlement by stockholders	1923	125
Comptroller		
Approve certain deposits	1927	176
Issue dividend check, without authority	1937	18
License tax, collection; enforcement; authority	1915	158
Notes in hands of liquidator may be extended by, time for payment	1933	292
Supervision and may appoint liquidator	1931	1008
Conditional sales contracts assigned to; intangible tax	1947	234
Construction of chapter 17719	1937	19
Conversion of "State" into "National"	1907	155
Corporations; collateral agreements; documentary stamp tax liability	1953	269 271
Credit plans, accounts and similar arrangements, whether subject to documentary stamp tax	1959	142
Credit unions; exacting fees for insurance on borrowers	1947	573
Custodian of bonds; intangible tax return	1945	332
Dealers in securities, when not required to register as	1931	981
Decedents, accounts of; delivery to foreign personal representatives	1959	21
Defunct banks		
Assessment of taxes	1923	124
Checks, liability with regard to	1931	741
Claims		
Certain taxes preferred	1925	203
Preferred, when certain	1927	204
County deposits		
Protected, when	1925	200
When bonds required to secure	1925	205
Postal deposits entitled to preference, when	1925	198
Preferred claims		
Against, method of handling	1929	210
If certain are	1927	204
Method of handling	1929	210
Proof of claim		
Filed with liquidator, required	1933	294
Receivers' certificates of, lost and duplicate certificates	1933	294
Rights of those filing belated, to share in prior dividends	1933	295
Set-offs against, allowance	1929	409
Taxes, liable for	1929	209
United States postal deposits if preferred	1925	291
Depository of public funds		
Comptroller to approve bond, banks must comply with state law to act as county depositories	1933	287
County; interest; requirements	1927	305
	1931	892
Exemption from security of certain deposits	1935	286
Interest should be required to be paid on public funds	1933	285
Securities		
Acceptable	1935	286
Public deposits	1935	285

Subject	Year	Page
BANKS AND TRUST COMPANIES (cont.)		
Depository of public funds (cont.)		
Securities (cont.)		
State law governs, to be deposited with comptroller notwithstanding federal "banking act of 1933"	1933	286
Deposits		
Banking hours; payment of checks; validity	1947	571
Collateral security		
For bank deposits, state funds; pledged to state treasurer	1953	337
Under unemployment compensation law	1939	365
Intangible personal property		
tax on	1933	55
School funds; legal owners	1945	372
State funds; board of control		
dormitory revenue certificates as security	1947	629
State owned securities; safe-keeping receipts, insurance coverage	1947	19
Tangible and intangible personal property taxes, collection of; subject to garnishment	1957	142
Van Norden Trust Company of New York; reserved fund, requirement by law	1904	26
Directors personally liable in certain cases	1925	157
Dividends		
Checks, liquidators'	1933	297
Prior, right of those filing belated proof of claim to share in	1933	295
Warrants; cancellation	1933	306
Drive-in banking facilities; branch banking house	1955	651
Federal banks not exempt from taxation unless unlawful discrimination	1927	175
Federal fund deposits; security for deposits; pledge of assets	1947	570
Federal land banks, etc.; exemption of stock from intangible taxation	1947	242
Florida real estate mortgages; New York savings banks; foreclosure	1949	5 12 558
Florida Shell Rock Company bankruptcy proceedings; payment of dividends	1939	529
Foreign banks and trust companies		
Central trust of China; not qualified to do insurance business in state	1949	559
Estates, not authorized to administer	1931	1057
Executor, without authority to serve as, when	1933	307
Trust powers; transaction of business in state; qualification, requirement	1955	919
Trustee, retirement or pension fund; investment; authority	1955	834
Foreign countries, transmitting funds to; regulation	1945	356
Freezing act; application of law	1931	917
Freezing order; certificate holder, rights	1933	290

Subject	Year	Page
BANKS AND TRUST COMPANIES (cont.)		
Frozen deposits, order obtaining	1933	304
Insolvent banks		
Certain rights of depositors forfeited	1931	861
Claims		
Classification	1931	375
Time for filing with liquidator; construction of law	1931	795
Institutional securities corporation, real estate mortgages; nonresident state savings banks; investment	1949	512
Interest should be paid when size of each account justifies	1931	608
International bank; exempt securities	1949	479
Investments		
Anticipation certificates; county courthouse and jail	1949	194
Fiduciary in federal land bank bonds authorized	1939	18
General	1935	294
Trust funds	1935	297
Legal reserve required; computation, method	1927	179
Licensee to make loans under small loan act, authority	1939	19
Liquidators		
Appointment of receiver by comptroller need not be confirmed by court	1933	289
Banks, trust companies and building and loan associations, authorized to appoint	1931	1008
Bond of; payable to comptroller	1933	288
Certificate holder cannot be given preference under freezing order	1933	290
Change of, would not seriously hinder or delay litigation	1933	288
Claim, time for filing; construction of law	1931	795
Closed banks, claims of, must be sworn to and filed	1931	265
Compromise stock assessments, authority	1933	296
Conservator not prohibited from borrowing money to be used for paying certain percentage to depositors in bank under conservatorship	1933	291
County funds, banks cannot qualify as depository, when bank in hands of conservator	1933	293
Dividend check, liquidators'; payment to guaranty security corporation, pursuant to order of court	1933	297
Equity rule of set-off	1931	267
Law of set-off does not apply in claim of board of public instruction, Dade county	1931	268
Not good policy to act as administrator	1931	573
Notes in hands of, time for payment extended by comptroller	1933	292
Pro rata part of expense should be borne by trust estate	1931	270
Proof of claim must be filed with State comptroller has supervision and may appoint	1933	294
Suits should be brought in his name	1931	1008
Loans to partnerships, corporations or associations in which directors are interested; subject to certain limitations	1931	360
	1959	646

Subject	Year	Page
BANKS AND TRUST COMPANIES (cont.)		
Morris plan banks	1935	754
Capital stock tax, liability	1937	21
Corporation report, filing	1943	461
Filing fee	1943	461
Liability of stockholders	1935	293
Name showing corporation, not required	1935	754
Stock ownership in corporation, requirement	1955	413
Municipal corporations, loans to; secured by mortgaging of municipal property; legality	1959	534
National banks		
Assessment of personal property	1931	669
Deposits of state funds, authority of national banks to pledge assets to secure	1933	279
Furniture and fixtures not subject to taxation	1931	723
Insurance of deposits, status state banks under laws with reference to national banking act of 1933 concerning	1933	281
Intangible personal property, authority of state to tax	1939	477
Limited permit to do business in state, authorized to issue	1931	229
Pledge of assets by		
Deposits, power to secure	1935	288
Public funds, power to secure	1933	283
Power to tax	1927	447
Securities		
Dealer		
Qualification	1933	280
		281
		594
Surety bond, posting required; pledge of assets not required for qualification	1933	283
Pledge of, validity; liability of receiver for interest	1933	277
Shares of stock to be assessed under authority given by congress	1929	197
Stock owned by nonresidents, tax situs; construction of law	1931	315
Tangible personal property tax; exemption	1939	502
Trust business, conducting	1919	206
Nonresident; deferred payment obligations assignment to; tax situs	1951	312
Pledge of assets to secure invested trust; authority	1933	302
Preferred creditors	1921	161
Premium financing; assignment of insurance policy; legality	1957	548
Private funds, transportation of by sheriff, etc., to depository; without authority	1959	91
Promotional scheme; five line limerrick; whether violative of lottery laws	1957	427
Receivers' certificates of proof of claim lost and duplicate certificates	1933	294
Receivership fund, charge against, to cover certain salaries, authorized	1933	289
Reorganization		
Preferences	1935	296
Qualified to continue in business, when	1935	295

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BANKS AND TRUST COMPANIES (cont.)		
Revenue certificates issued by counties, as legal investments for state banks	1949	194
Safekeeping receipts		
Custody of securities	1947	20
Form acceptable by state treasurer	1945	100
	1947	15
		16
		17
		19
Savings bank investments	1921	147
Schools		
Depositories; payments of warrants	1947	154
Funds subject to service charge	1937	207
Securities		
Bankruptcy; funds held by trustees	1943	480
Dealer, qualification	1933	594
Deposits of state funds; substitution	1945	97
Overseas road and toll bridge district funds	1943	105
Receipt lost, issuance of duplicate by state treasurer	1941	13
Seminole Indians' funds; security	1947	570
Shareholders, quorum at meeting	1935	292
Small business investment corporation, effect of banking laws	1959	104
State banks		
Bankruptcy funds cannot be secured by pledge of assets	1933	303
Board of directors		
Assets, pledge to secure invested trust funds deposited by trust companies; authority	1933	302
Assuming another bank's liabilities, authority	1939	17
Consolidation of another bank, effecting; powers	1939	17
Borrowing money or rediscounting its paper	1931	294
Business out of state; contracts	1911	81
Chartered by state, pledge of assets; powers	1933	301
City funds, power to secure by pledge of assets	1933	302
"Drive-in" depositories; location	1949	557
Holding title to its own stock as trustee for others; liability for loss	1955	321
Housing authority, authority to give security for deposits of	1939	20
License tax	1911	58
Loans from, war contracts under executive order	1941	748
		750
Pledge of securities to protect public funds	1945	571
Preferred stock of, purchased by reconstruction finance corporation, documentary stamp tax, situs	1933	42
Rediscounting its paper or borrowing money	1931	294
Security for deposits by housing authority, authority to give	1939	20
Shareholders, liability	1931	262
Stockholders liable for contract	1931	797
Water works revenue certificates not legal investment	1937	16
Withdrawal by depositories, limitation; authority	1931	288

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BANKS AND TRUST COMPANIES (cont.)		
State funds		
Deposits, pledged securities	1955	695
FDIC coverage	1945	711
State warrants; endorsement	1945	725
Stock		
Capital reduced	1931	803
Change of common to preferred stock	1935	293
Increase of capital, change of name	1919	197
Required	1909	55
Stockholders		
Contracts, debts, etc., of banking company, responsibility	1927	193
Liability under law for full value of stock	1933	308
Statute of limitations governing liability, under section 4128	1927	193
Statutory liability, amount of assessment	1937	20
Stock assessments	1931	756
Bank in hands of conservator, unlawful while	1933	299
Common and preferred, constitute capital stock of banks and trust companies	1933	305
		306
Comptroller authorized to approve compromise settlement	1933	299
Supreme court ruling, in re	1927	451
Tax anticipation notes and assignment of judgments precluded as security for handling public funds	1933	415
Trust company, foreign, not authorized to serve as executor and trustee under will executed by resident	1933	307
Tax liability for full value in addition to investment for benefit of creditor	1933	308
Surplus and undivided profits; tax situs	1905	38
Taxation		
Assessment	1931	670
Bank stock, intangible personal property tax, assessment	1933	54
Deposits for taxation purposes; assessment; authority	1917	363
Federal, not exempt unless unlawful discrimination	1927	175
Filing tax of banking corporation	1955	926
Intangible personal property		
Assessment	1933	53
Stock	1933	54
Intangible tax		
Application	1931	908
Exemption	1945	290
		294
To be in lieu of all tax except ad valorem	1931	825
License tax	1907	123
State banks	1911	58
National banks		
Assessment	1917	467

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BANKS AND TRUST COMPANIES (cont.)		
Taxation (cont.)		
National banks (cont.)		
Stock owned by nonresidents	1931	315
Occupational license taxes; exemption	1945	345
Stock		
Intangible personal property tax	1933	53
Nonresident owner; taxability	1945	306
Owned by R. F. C. exempt from intangible personal property tax	1935	69
Trust estates, return for intangible personal property tax	1937	546
Value of shares taxable when invested in nontaxable bonds	1913	154
Timber sale contracts; cashier's checks and money orders; documentary stamp tax liability	1957	288
Transaction before and after banking hours; regulations; validity	1947	571
Transportation of private funds by sheriff, etc., to depository; without authority	1959	91
Travelers' checks and money orders, issuance; regulation	1959	456
Trust business, when authorized	1927	212
Trust companies		
Certain securities, should be required to make	1927	178
Deposited securities	1943	481
		482
Trust estates, pro rata part of liquidator's expense should be borne	1931	270
Trust functions		
Exercise of	1927	188
Special charter, authority to exercise certain restrictions	1923	136
Trust obligations performed, deposit would revert	1927	212
Trust powers	1921	121
Unapproved loans; liability of directors	1945	710
Universities' funds, temporary deposits, in private banks; transfers; no legal objection	1953	338
Usury statutes, interest in advance, cash discount or bonus; long and short term loans; violation	1955	888
Valuations for tax purposes	1913	92
Voluntary liquidation, requirements	1931	735
Warehouse receipts; acceptance as security for loans	1947	574
Worthless check See: WORTHLESS CHECKS		
Barbers See: BARBERS' SANITARY COMMISSION		
Barbers' examiners, board of See: BARBERS' SANITARY COMMISSION		
BARBERS' SANITARY COMMISSION		
Applicant for certificates, credit for training in armed forces	1945	591
		592
Applicant for examination		
Nonresident, fee	1955	513
Re-examination, written portion only; discretionary authority	1957	751
Resident of state, fee	1955	513
Barbers' examiners, board of		
Amount in fund over amount impounded may be released	1939	226
Changing law, not authorized	1933	454
Members, when entitled to compensation	1931	409

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BARBERS' SANITARY COMMISSION (cont.)		
Barbers' examiners, board of (cont.)		
Payment of bills, method	1935	497
Restoration of certificate		
Fee	1935	496
Lapsed more than one year	1933	454
Barbering service; rendered under transient bureau of FERA	1933	36
Barbers		
Applications		
Certificates, qualifications	1951	586
License, requirements	1949	461
Beauty shops exempt, Florida barber law	1949	460
Credit for training in armed forces, requirements	1945	591
		592
Cripple not exempt from payment of examination fee	1931	856
Disabled veterans		
Exempt license taxes; limitation	1951	325
Registration fees; exemption	1951	586
Employee; percentage basis; entitled workmen's compensation	1949	438
Fees		
Barber's certificates; renewals; restoration; registration	1949	460
War veterans not exempt from payment of registration fee	1931	833
Hazardous occupation	1935	621
Massage, registration law; exemption	1945	599
Municipality empowered to impose license, etc.	1931	799
Registered, may practice finger-waving or setting hair	1939	229
Schools; examinations, qualifications; admission	1949	459
Union shop cards; display, legality	1945	769
Workmen's compensation, coverage	1949	438
Barbers and barber shops located on United States military bases in Florida, enforcement of state laws	1955	663
Beautician and barbering school held at same location at different hours; legality	1959	553
Beauticians, extent licensed, may practice barbering without obtaining license	1959	44
Bills incurred by old board, payment not authorized	1939	228
Certificate; application and renewal	1941	643
Duties and requirements	1949	461
Employees for month of June, authority to approve payment of salaries for	1939	227
Examination	1941	643
Discretionary authority of commission re re-examination on written portion	1957	751
Qualifications prescribed for taking, registration as barber	1939	231
Expense payments and making report to governor, construction of law	1939	230
Fees; punishment for violation	1931	890
Investigations, hearing procedure; authority of one member to conduct	1955	566

Subject	Year	Page
BARBERS' SANITARY COMMISSION (cont.)		
Members		
Compensation		
Duties	1953	499
When entitled	1931	409
Expenses	1945	591
Not entitled to salaries until		
and when qualified	1939	228
Per diem and mileage	1953	499
Price fixing; authority	1953	499
Bartow, city of; taxicab driver;		
driver's certificate	1949	371
Baseball broadcast; baseball games;		
phone call contest by sponsors		
during; jackpot award; whether		
violative	1957	62
Baseball pools; wire information;		
violation of gambling laws	1949	395
Baseball; prohibited on Sunday	1925	96
	1931	752
BASIC SCIENCE LAW		
Blood pressure readings; license re-		
quirement; application of law	1947	263
Board of examiners		
Aliens; examination, citizenship		
requirements	1943	399
Applicant		
Complete examinations begun		
before effective date of		
act	1939	316
Furnish certificate	1939	319
Budget; jurisdiction of budget		
commission	1945	367
Certificate of proficiency as		
prerequisite		
Chiropractor taking examina-		
tion	1941	622
Examination for license to		
practice	1939	318
Limit validity of; authorized	1957	771
Metaphysical healing, require-		
ments to practice	1941	611
Metascience, practice	1945	564
Naturopath's license	1945	563
Practice the healing art	1939	321
Science of Life practitioner	1947	451
Temporary license to practice		
medicine	1945	566
Citizenship prerequisite to hold		
healing art certificate of		
proficiency	1939	300
Colon-therapy practitioner; ne-		
cessary of passing examination	1947	452
Consulting psychologists; ap-		
plication	1947	450
Electrolysis, prerequisites to		
practice	1941	610
Examinations		
Compensation of board mem-		
bers for preparing and grad-		
ing	1957	845
Eligibility for; authority	1953	487
Healing art certificate of pro-		
ficiency; citizenship pre-		
requisite	1939	300
Law construed	1939	300
Medical staffs of state institu-		
tions; exemption from ex-		
amination	1947	449
Members, status when in mili-		
tary service	1941	98
Osteopaths, licenses, exchange		
without certificate of pro-		
ficiency	1941	620

Subject	Year	Page
BARBERS' SANITARY COMMISSION (cont.)		
Board of examiners (cont.)		
Physiotherapists, licenses	1941	612
Re-examinations allowable to		
applicants; limit number of		
times authorized	1957	771
Regulations	1941	608
Swedish massage, licenses	1941	613
Tuberculosis sanatoria; exemp-		
tion of medical staffs from		
examination	1947	121
Hernia clinics, sale of trusses	1951	325
Investigator; dispensing opticians;		
employment authorized	1949	578
Medical technologists; practition-		
ers; licenses, no authority	1949	465
Medical technology fund, unex-		
pended balance, use	1951	590
Psychologists, basic science ex-		
amination, subject to	1957	536
Scholarships or student loan fund,		
legality of board establishing	1957	353
State board of health; medical		
laboratory fees; enforcement	1949	465
Bass See: FISH AND FISHING; SALT		
WATER FISHERIES		
BASTARDS AND BASTARDY PROCEED-		
INGS		
Bastardy proceedings, limitation,		
statutes; applicability	1951	719
Child support; marriage prior or		
after birth	1951	717
Circuit court, jurisdiction	1947	584
Paternity, establishment; service		
of process	1953	642
Proceedings; payment of costs;		
deposits	1943	503
State attorney, duties	1937	118
Trial jurisdiction; prosecuting at-		
torney, duty	1945	724
Bauskett, W. T.; historical record;		
payment, for completing cata-		
logue	1911	90
BAY COUNTY		
Commissioners; justice of peace		
districts, change or abolish;		
prohibited	1951	60
Criminal offenses committed with-		
in boundaries, Tyndall air force		
base; state court's jurisdiction	1953	701
Poll lists; keeping by clerks of		
election	1947	76
Refunding contract, approval by		
board of administration	1941	423
Small claims court; jurisdiction		
of causes of action arising on		
federal property	1957	387
State road department empowered		
to acquire by condemnation pro-		
ceedings certain property for		
bridge purposes	1933	623
Supervisor of registration; opening		
of ballot boxes, court order re-		
quired	1949	121
Welfare fund recipients; loyalty		
and anticommunist oaths not		
required	1949	594
Wet and dry election	1933	369
Bay county memorial hospital; chiro-		
practicers not to practice in	1951	580
Beach property; public has right to		
access	1939	547
BEACHES		
Drainage districts, establishment;		
protection	1951	450

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BEACHES (cont.)		
Public See: PUBLIC BEACHES		
Rental of boats, chairs, umbrellas, etc., occupational license	1947	265
Traffic regulations; enforcement	1947	381
"Beating way on train"; justice of peace, under jurisdiction	1933	270
Beauticians See: BEAUTY CULTURE LAW		
BEAUTY CULTURE LAW		
Barber; employment in salon	1943	416
Barber law		
Certain employees of beauty parlor exempt from complying with	1931	879
Cutting hair of men patrons; exempt provisions	1949	460
Barbering and beautician school held at same location at different hours; legality	1959	553
Beauticians		
Exempt from massage registration act	1949	464
Extent of practicing barbering without obtaining license	1959	44
Hazardous occupation	1935	621
Nonresident beautician, permit to practice	1941	647
Persons practicing, subject to requirement of law	1931	945
Practice of body contouring and slenderizing by licensed; exemption	1955	750
Prerequisites, qualifications	1943	415
Beauty college, bond of operator	1941	644
Beauty culture board		
Automobiles, purchase of	1945	227
Executive office, location	1941	645
Executive secretary; compensation and traveling expenses	1945	594
Lecturers; expenses, payment	1945	594
Members		
Eligibility	1955	678
Reappointment; qualifications	1945	596
Refunds to applicants for certificates	1935	519
Residence or domicile construed	1935	519
Salaries and expenses		
Approval by budget commission	1945	366
Power of budget commission to alter	1945	595
Teacher; eligibility of member	1947	467
Transfer of funds	1943	237
Traveling expenses; law governing	1945	366
		594
		595
Vocational schools	1935	516
Women's army corps operating shop; jurisdiction	1943	416
Beauty operator certificates; practice on own race only; restrictions; unauthorized	1949	462
Beauty shops, haircutting of soldiers	1941	644
Certificates		
Applicants for; refunds	1935	519
Demonstrations without	1945	593
Fees	1943	417
Prerequisites	1943	421
Renewal or restoration of certificate after one year period	1937	215
Revocation of specialists	1937	214
Veterans, registration fees	1941	648

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BEAUTY CULTURE LAW (cont.)		
Cosmetics demonstration by unlicensed person; violation of license requirement	1955	328
Examinations		
Applicants, qualifications	1941	646
Application; time for filing	1943	414
Certificates		
Issuance; fee	1943	417
Refunds	1943	417
Prerequisites and qualifications; fees	1943	415
Refunds	1943	417
Florida farm colony; unregistered operator; employment of	1949	462
Haircoloring demonstrations; manufacturing agents; license requirements	1957	770
Home practice; application of law	1947	466
Inspection of shops, demonstration of cosmetics; authority of board	1955	328
Inspectors; subsistence allowance	1945	595
Junior operators		
Certificate fraudulently obtained	1943	418
Certificate of registration	1941	646
	1949	461
Fees	1943	415
		417
Permit to nonresident	1943	419
Licenses; additional	1943	420
Male patrons, hair treatments; whether engaged in practice of barbering; license requirements	1959	44
Manicuring or pedicuring		
Permits	1943	420
Sign; display	1943	419
Massage registration act		
Effect	1943	418
Exemption	1945	598
		599
Nurse; employment in salon	1943	416
Permits	1943	419
Practice of beauty culture		
Definition	1947	466
Profession rather than a trade, whether designated as	1959	596
Scholarships, awarding in excess of ten per year; prohibited	1957	872
Schools		
Compensation of teachers	1943	421
Postgraduate course, qualifications	1953	502
Prerequisite to graduation from; waiver of requirements by board or school; legality	1959	515
Students; transfer from one school to another; procedure for transfer	1957	905
Teacher's certificate; teacher's training course as prerequisite	1959	168
Vocational schools	1935	516
Shops; sale of gifts, etc.	1943	420
Teachers		
Certificate of registration	1941	647
Compensation	1943	421
Prerequisites for certificate; renewal	1943	421
Teaching in school for deaf and blind	1935	466
Training course, certificate of registration, issuance as prerequisite to	1959	168
Traveling expenses, law governing	1945	366
		595

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BEAUTY CULTURE LAW (cont.)		
Unpaid tuition; student desires transfer; denial by school, authority	1957	905
Veterans, nonresident		
Examination fee, liability	1951	587
License without examination; eligibility	1951	587
Beer See: ALCOHOLIC BEVERAGES AND LIQUORS		
Beer license See: ALCOHOLIC BEVERAGES AND LIQUORS		
Bees See: PLANT BOARD, STATE		
Beet pulp; shipments, subject to commercial feed stuffs law	1929	252
BELLE GLADE, CITY OF		
Indigent prisoner, hospitalization and medical care, extent of city responsibilities	1959	219
Prisoners, hospitalization and medical care, payment, etc.	1959	219
Belle Vista Beach, town of; zoning ordinance; building code	1949	211
Benedicts Institute, Inc.; nonprofit organization, tax situs	1959	111
Beneficiaries; under will, interest; homestead tax exemption; eligibility	1957	35
BENEFIT FUND		
Florida state firemen's association; widows of members' benefit fund; assessment; legality	1949	519
Pension fund; volunteer firemen; funeral expenses; maximum allowed	1949	210
State sheriffs' association; voluntary contributions	1949	518
Benefits; workmen's compensation See: WORKMEN'S COMPENSATION LAW		
Benevolent institutions; real or personal property held in trust; tax exemption	1957	73
Benevolent mutual benefit associations See: INSURANCE		
Benzedrine; driving while under influence; construction of §317.20	1957	815
Benzoate of soda; pure food law	1911	63
Bethune-Cookman college; negro blind students, instruction to; sponsored by council for the blind	1949	307
Better business association of Florida; legislature, no authority to pay expenses after adjournment	1937	611
Beverage act See: ALCOHOLIC BEVERAGES AND LIQUORS		
Beverage department, state See: ALCOHOLIC BEVERAGES AND LIQUORS		
Beverages; alcoholic See: ALCOHOLIC BEVERAGES AND LIQUORS		
Bicycles; abandoned or found; unclaimed; disposition	1957	187
BIDS		
Competitive		
Advertisement	1951	398
Length of time, computing	1953	377
Requirements	1953	365
Sidewalks, construction	1949	171
Supplies and equipment, state road department	1931	440
Alcoholic beverage tax; decalcomania revenue stamps; requirements	1957	435
Automobile purchases		
Agency owned by sheriff; sealed bid requirement	1957	665

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BIDS (cont.)		
Competitive (cont.)		
Automobile purchases (cont.)		
State road department; trade-ins	1949	185 381 382 363
Brand name, use; authorized	1953	
Cigarette tax; decalcomania revenue stamps; requirements	1957	435
Commodity, use of brand name; purchasing council, authority	1953	363
Contractor's withdrawal before acceptance		
Retaining of bid deposit	1951	422
Return of bid deposit	1949	323
Contracts with "escalator" or "posted market price" clauses; acceptance	1953	150
Florida Alligator, student publication at university of Florida; purchases, requirements	1955	380
Lowest responsible, acceptance	1951	228
Mosquito control district, purchases; state purchasing council, extent of authority re	1953	364
Motor vehicles; state purchasing council; advertisement	1953	367
Municipal airport	1953	415
Public printing; validity of out-of-state bids	1951	441
Purchases, term or annual requirements without; state purchasing council	1953	378
School board		
Bus service and equipment	1951	409
Contracts, awarding; bids	1937	34
School bus chassis or equipment, purchase; school board	1955	256
Sheriff's budget law	1957	443
State agencies		
Interior decorator; contract for services	1957	371
Rental purchase agreements; requirements	1953	369
State buildings, construction, repairs, etc.; contract amount in excess of \$10,000.00; requirements	1957	549
Trading property over \$300; statutory requirements	1949	169
Tuberculosis hospital, advertisement	1949	419
Turnpike authority	1955	61
County commissioners		
Bid from employer of member; validity	1955	99
County convicts; purchases; splitting invoices	1949	187 188
County roads; repairs to equipment; contracts	1949	185 381 382
Fire fighting equipment purchases; county commissioners; requirement	1951	226
Individuals; tax sales certificates; redemption	1949	236
Member in lumber building supply business; partnership; eligibility	1949	577
Personal property, sale; not required	1951	230

Subject	Year	Page	Subject	Year	Page
BIDS (cont.)			BILLBOARDS (cont.)		
County commissioners (cont.)			Motel operators; joint advertisers; license not required	1949	462
Purchases			Taxes	1931	728
Maps; requirements	1949	187	Billiard rooms See: POOLROOMS		
Materials; splitting invoices	1949	188	Billiard tables See: POOLROOMS		
		385	BILLS		
Over \$300; new bids required by school boards	1949	315	Contract and pay, authority	1939	1
Rock material, requirements	1951	226	Services of surety, paid when requested by state's attorney and approved by judge	1933	490
Restrictions of specifications; advertisement; county commissioners	1949	183	Bills or joint resolutions See: LEGISLATURE		
Sealed competitive; required by school board; construction	1949	293	Bingo at home; television game program; prize awards; lottery law	1957	810
Vacant building, lease; requirements	1951	228	BINGO GAME		
Deposit; contractor's withdrawal before acceptance; retaining	1951	422	See also: GAMBLING		
Florida geological survey; public printing, validity of out-of-state bids	1951	441	Free prizes; lottery laws, whether violative	1953	668
Governmental contracts, penalty clauses in; legality	1959	718	Hotels; unlawful	1951	742
Jacksonville expressway authority, printing for; competitive bids	1957	246	Private club; prizes awarded; validity	1955	830
Medical examiners, board of; examinations, bids for printing; requirements	1959	345	Social by churches and veterans' organizations, unlawful	1949	583
Personal or real property sold under sheriff's levy under tax warrant; industrial commission; authority	1953	481	Biologicals; sale by drug stores not registered	1935	480
Public contract, withdrawal of bid by bidder on; return of deposit; forestry board without authority	1953	362	BIRDS		
Public printing, contract awards; laws governing	1955	797	Birds and eggs; certificate for collection of, for scientific purposes; requirement	1905	78
Purchasing council			Game; sale of feathers	1941	493
Advertisements; requirements	1953	365	Migratory birds; rules and regulations	1949	405
Commodity, use of brand name; authority	1953	363	Nonmigratory game; when land owner within right to kill	1931	567
Motor vehicle purchase; advertising	1953	367	Transportation for scientific use	1917	159
School board			Wild birds, nests, eggs; specimens; permit to collect	1931	433
Liability insurance; requirement for purchases costing more than \$300	1957	902	Birth certificates See: VITAL STATISTICS, BUREAU OF		
Purchases; acceptance of low bid	1959	549	Biscayne Bay; Dade county; federal projects; water survey and research	1949	408
State board of education; extension of time, publication	1951	398	BLACK BASS		
State road department; supplies and equipment; advertisement; rental agreement	1949	185	See also: FISH AND FISHING; SALT WATER FISHERIES		
		187	Closed season, Lake Okeechobee	1939	539
		381	Restaurants serving	1935	661
		382	Sale or shipment	1935	660
		385	BLACKOUTS		
Submerged lands, separated from mainland by artificial channel; purchase of	1959	1	Air raid sirens; maintenance	1943	289
Supplies; purchase; use of surplus funds	1949	230	Air raid warden, authority	1941	342
Tuberculosis board; duplicate contracts	1949	419	Auxiliary firemen	1943	287
		420	Blackstone Hotel; Sossin foundation, operation; hotel and restaurant commissioner, jurisdiction	1957	370
Turnpike authority title insurance, competitive bidding	1955	231	Blackwater River state forest; gas and oil, lessees' and optionees' rights; forestry board, authority	1951	633
Biennial school district election See: ELECTIONS; SCHOOLS			Blind, Florida council for the See: COUNCIL FOR THE BLIND, FLORIDA		
Bill of complaint See: CHANCERY			BLIND PERSONS		
Bill of sale; when documentary stamps not required	1931	945	See also: COUNCIL FOR THE BLIND, FLORIDA; DEAF AND BLIND, FLORIDA SCHOOL FOR THE; WELFARE		
BILLBOARDS			Aid to		
Disabled veterans, permit exemption; county, applicable	1949	262	Children; eligibility	1947	436
		265	Federal grant for aid, increase; effect upon maximum allowances	1951	536
			Infant recipient; residence requirement on reaching majority	1951	537
			Inmate of public hospital; eligibility	1953	461

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
BLIND PERSONS (cont.)			BOARD OF COMMISSIONERS OF STATE		
Aid to (cont.)			INSTITUTIONS (cont.)		
Sale of homestead; eligibility	1953	471	Combination prison and correctional institution for colored females, power to establish	1945	760
Federal grant increased for aid			Contracts with architects in federal emergency administration public works	1935	524
Disabled and blind person; maximum allowances	1955	823	Convicts, lease to counties	1941	793
Effect upon maximum allowances	1945	547	Copyrights		
Insurance solicitor; liability for license tax	1945	346	Holding title	1943	265
Notary public, office of; eligibility	1955	154	Patents, trademarks, state; title	1951	435
Occupational license tax, exemption	1959	683	Deaf and blind school; transfer of surplus building funds	1947	368
Operators of vending stands; eligibility for membership in state retirement system	1947	433	Delinquent taxes, state prison fund; disposition	1945	762
Pension act not provided	1935	729	Dorr and Carlstrom fields; authority to accept	1947	426
School See: DEAF AND BLIND, FLORIDA SCHOOL FOR THE			Expenditure of moneys; authority	1943	359
Vending machines; location in courthouse; statutory provisions	1947	149	Farm colony		
Blockade; railroad company, declaration	1907	53	Conditional release of inmates to private employers	1945	530
BLOOD DONORS			Custodianship of inmates	1941	531
Injured in vicinity of blood bank; extent of personal injury accident	1959	350	Incidental fund; nature and use	1945	529
Legal ages, requirements	1959	350	Inmates, regulation of visits	1941	531
Medical directors, extent of personal injury accident	1959	350	Rules for, authorized to prescribe	1929	179
Blood pressure readings; occupational license tax of practitioner; application of medical practice law	1947	263	Superintendent; bond	1945	531
BLOOD TEST			Florida school for girls at Forest Hill; appointment of a man superintendent to; legality	1957	421
Admissible in evidence; as proof of degree of intoxication	1957	840	Florida state hospital		
Person administering; qualification	1957	840	Changing patient's status from "pay" to "indigent"	1945	534
Blotters; election, candidates' use; legality	1951	161	Custody and control of patients	1943	362
Blue Cross association See: INSURANCE			Duties under workmen's compensation act	1937	328
Blue laws; Sunday hunting	1943	492	Funeral expenses; recovery from patient's estate	1945	533
BLUE SKY LAWS			Inmates, costs of maintenance, recovery	1941	539
See also: SECURITIES			Two ward buildings; use of appropriation for construction of one building	1947	368
Construction of	1931	736	Violently insane person under age of fifteen years; commitment	1947	428
Corporations, when permits are required of	1929	419	Industrial schools		
Securities; bond of dealers; substitution	1943	431	Commitment		
Board of adjustment See: COUNTY BOARD OF ADJUSTMENTS			Boys	1931	360
Board of administration See: ADMINISTRATION, BOARD OF			Discharge of boys	1931	370
Board of beauty culture See: BEAUTY CULTURE LAW			Inmate; temporary release for preliminary hearing	1947	614
Board of chiropody examiners See: CHIROPODY			Nonresidents; permitting commitment to	1945	765
BOARD OF COMMISSIONERS OF STATE INSTITUTIONS					768
Architects, fees	1935	525	Lands belonging to state hospital, sale not authorized	1933	605
Brick plant; power to purchase and operate	1945	766	Lease of personal property; authority of secretary to execute	1943	363
Captains and guards			Medical staffs; exemption from medical and basic science examinations	1947	449
Convicts working for state road department, dismissal	1933	547	Motor vehicles, purchase; construction of law	1929	205
Employed by state road department; subject to rules prescribed by prison department; removal	1933	547	Option to United States on certain lands; sufficiency in form	1947	427
Child convict; transfer to industrial school for boys	1945	549	Powers; prohibition of use of word "state" in names of private firms	1945	661
Church on state property, granting permission to erect; authority	1939	284	Prison farm lands		
City convicts or prisons, no authority or power over	1939	535	Bradford and Union counties; assessment	1957	529
			Taxation by counties	1947	183
			Ramie produced by convict labor; power to sell	1945	760

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BOARD OF COMMISSIONERS OF STATE INSTITUTIONS (cont.)		
Revolving funds; effect of general appropriations act	1945	436
Royalties, education department publications; general revenue	1951	435
Salaries		
State employees	1943	304
Superintendents of state institutions	1943	303
Seminole Indian reservations; leasing, fencing, posting	1943	304
Sprinkler system, installation not authorized	1931	439
State buildings		
Construction projects; duties or responsibilities of board	1955	502
Funds, use for buildings not specified in appropriations act	1945	472
Permanent names	1945	438
State prison farm		
Convict-made goods	1935	772
Sale of personal property	1943	512
State prisoners; gain time, approval; concurrence by pardon board	1959	167
Timber sale; inclusion of pulpwood; intention of board	1947	369
Tort liability		
Breach of contract, arising from	1947	49
Persons injured in connection with operation of certain state institutions; exemption; insurance coverage, purchase	1959	563
Transfer of money from one fund to another	1927	188
Tuberculosis sanatorium; appropriation for construction	1945	525
Unearned salary of employee, not authorized to pay	1939	286
Board of conservation See: CONSERVATION, BOARD OF		
BOARD OF CONTROL		
See also: STATE UNIVERSITIES		
A & M college		
Appropriation	1943	284
Hospital; responsibility architect, for faulty design	1949	326
War damage, insurance; PWA dormitories	1941	334
A & M university scholarships, tuition	1953	333
Admission of certain students, when vested with authority	1931	410
Advertising fund WRUF; right to use; defray operating costs	1939	292
Agricultural experiment station money; use for research work	1939	15
Anti-hog cholera serum and virus; receive without charge	1949	505
Appropriations; governor's veto, effect	1943	98
Athletic coach, authority to contract with	1941	335
Automobiles, bicycles, etc., abandoned on university campus, disposition	1951	712
Bids, sealed competitive; contractor's withdrawal before acceptance; retaining of bid deposit	1951	422
Board of education to approve execution of bond	1919	266
Bond of certain employees, power to require	1933	466
Borrowing money, power	1935	505
Branch experiment station; location; purchase of site	1945	441

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BOARD OF CONTROL (cont.)		
Broadcasting station at Gainesville; installation and operation	1927	240 241
Building		
Builder's risk insurance coverage; loss payable clause	1953	336
Contracts approved	1921	369
Financed by revenue certificates		
Fire insurance coverage	1955	616
Fire insurance fund	1955	924
Permit fees; liability	1945	436
Rate of wages on public buildings; proposed contract with Beers construction company	1947	277
Citrus experiment station; use of funds	1945	462
Collateral security for bank deposits; pledged to state treasurer	1953	337
Compulsory liability insurance for students	1947	336
Conditional gift of Peabody board, acceptance; authority	1911	87
Contracts		
Architects; fees	1947	366
Board of pharmacy; authority to execute	1943	284
Building at Dale Mabry field, use; form	1947	341
Buses owned by United States, use	1947	340
Contractor; withdrawal of bid, not under seal, without consideration, before acceptance	1949	323
Five year, execution	1941	335
Mutual system, university of Florida	1941	336
Part of building project before issuance of revenue certificates	1947	334
Payment of money beyond current biennium; powers	1947	343
Proposed contract for electrical energy, powers of board	1947	343
Public building contracts; rate of wages; duties	1949	281
Regional education; proposed contract; veterinary medicine; qualification of students	1949	324
Release of funds to contractor; effect upon construction bond	1947	339
Rental contracts; powers; limitation	1945	434
Specifications; wage scale; mechanics and laborers; no conflict between federal agency and Florida rate	1949	281
Temporary university buildings; contract for construction	1945	436
Veterans' administration; vocational training	1947	338
Contributions to fund for survey of needs of higher education, income tax deductions	1955	346
Correct name	1945	434
Deaf and blind school; salary of president; increase	1947	352
Demonstration school		
Exchange of teacher with Great Britain; salary payment	1955	382
Unit; rented by county board	1943	249
Deposits of funds, private banks; collateral security; pledged to state treasurer	1953	337

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BOARD OF CONTROL (cont.)		
Diploma privileges to law students; authority	1947	336
Dormitory		
Fiscal agents; dormitory certificates; compensation from appropriation	1949	336
Revenue certificates		
Eligibility as security for deposits of state funds	1947	629
Sale by agents; fee may be paid from appropriation	1949	336
Surplus proceeds; disposition	1949	323
Small dormitory housing projects; construction of; off-campus lots; requirements	1953	340
Dormitory and dining hall revenue certificates; reserve surplus; transfer	1949	327
Drivers; liability	1931	411
Eminent domain; procedure for exercising right of	1947	333
Employees		
Federal minimum wage law not applicable	1949	325
Injuries while traveling, compensation	1935	529
Military leave of absence	1941	99
	1949	156
		450
Retirement, salary	1941	92
Restoration of veterans to former positions	1945	222
Retirement; computation of average salary	1945	205
Right to sue for discharge	1941	335
Workmen's compensation	1935	504
Engineers' fees, single contract for utility installations; authority	1953	340
Experiment station; amendment of power contract	1947	342
Faculty members; students; transportation; negligence; liability	1949	361
Faculty, selection; authority	1909	41
Florida Alligator, student publication at university of Florida; purchases, competitive bids; requirement	1955	380
Florida school for deaf and blind; admission, requirements, residence	1949	329
Florida state university		
Application for admission; eligibility	1945	431
Traffic regulations, campus	1951	419
Ford trucks, purchase of; authorized	1931	411
Funds		
Appropriated for expenses; use for building construction	1947	334
Institutions of higher learning, management; deposits	1951	345
Governmental agencies not liable for negligent operation of motor vehicles	1931	411
Grant; refund not recorded; transfer, lawfully authorized	1949	336
Group hospital plan; premium; payment by state	1949	155
Group life insurance		
Employees of institutions	1935	511
Employer contribution; legality	1951	419
Houses for teachers		
University; lease	1945	435

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BOARD OF CONTROL (cont.)		
Houses for teachers (cont.)		
Use, method of acquiring	1945	435
Immunity from liability suits	1957	602
Improvements at university and experiment stations, authorized to expend certain sums	1927	242
Injuries to students; liability	1949	326
Institutions; employees; military leave of absence	1949	156
		450
Institutions of higher learning		
Funds; deposits	1951	345
Scholarships; type; restrictions; racing contributions	1949	485
Students, citizenship affidavits	1941	327
Vaccination as requirement for entrance	1947	342
Labor from necessary and regular expense fund, authority to pay for	1937	1
Liability insurance	1949	327
Authority to carry	1947	333
FSU students and faculty; governmental immunity	1951	417
Purchase of; authority	1957	602
University of Florida; rental of rooms	1949	474
Limitation as to duration contracts	1945	434
Louis Dudley Beaumont trust; re-lease and waiver	1947	335
Loyalty and anti communist oaths	1949	591
		596
Medical schools; use of state funds; audit; duty	1953	341
Members		
Legislative investigation, expense, payment	1945	95
Selection by governor	1905	41
Term	1935	505
Motor vehicles; liability insurance	1949	327
Negro football games; "Orange Blossom Classic"	1949	328
O. P. A.		
Ceiling prices; application to sales	1945	437
Rent regulations; effect on housing facilities for faculty members	1947	340
Property damage by employee, liability	1941	335
Proposed assignment certain musical compositions	1939	294
Public printing; stationery; purchases without extra cost	1949	339
Purchase lands for state institutions, authority to	1911	54
Radio station WRUF, sale and lease	1939	291
Rent control on housing facilities for faculty members	1947	340
Rental of rooms; public liability insurance	1949	474
Revenue certificates		
Issued by; facsimile signatures, use	1957	193
Purchase by board of education	1945	373
Revolving funds; effect of general appropriations act	1945	436
Ringling museum		
Funds for repairs; power of trustees	1949	323
Liability insurance; immunity of state agency	1953	341
Painting repaired; funds	1949	325

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
BOARD OF CONTROL (cont.)			BOARD OF CONTROL (cont.)		
Ruge trust funds; custodian of collateral and secretary's bond	1947	337	Waive of immunity by university of Florida; authority	1957	602
Scholarship funds, authority to invest	1955	615	Westcott estate income fund, use for cost of survey of higher education	1955	370
Scholarships			Workmen's compensation, payment of claim	1935	504
Annual award; senatorial; partial service credit	1949	325	Board of county commissioners See: COUNTY COMMISSIONERS		
Preparation of teachers; eligibility	1953	334	Board of dental examiners See: DENTISTS		
Type; restriction; racing contributions	1949	485	Board of education, state See: SCHOOLS		
School for deaf and blind, right to sue and be sued	1941	335	Board of examiners in basic sciences See: BASIC SCIENCE LAW		
School of forestry, construction of chapter 18403 re time, period, appropriation	1937	1 242	Board of examiners of psychology See: PSYCHOLOGISTS		
State agency; students' injuries			Board of examiners, state; extra assistants, salary	1917	345
Liability	1949	361 474	Board of forestry See: FORESTRY, BOARD OF		
Not liable	1949	326	Board of funeral directors and embalmers See: FUNERAL DIRECTORS AND EMBALMERS		
State university system, construction of building or repairs not to exceed certain amount; legislative authorization	1957	494	Board of health See: State board of health under HEALTH		
Teacher as architect, power to employ	1945	442	Board of managers; impeachment proceedings See: LEGISLATURE		
Teachers			Board of massage See: MASSEURS AND MASSEUSES		
Deceased; accumulated leave or vacation pay	1949	324	Board of medical examiners See: BASIC SCIENCE LAW; PHYSICIANS AND SURGEONS		
Employment and salaries	1955	133	Board of osteopathic medical examiners See: OSTEOPATHY		
Employment when over seventy	1943	276	Board of pardons See: PAROLE OR PARDON		
Salary increases; sources of payment	1945	438	Board of pensions See: PENSIONS		
Tort, immunity from liability	1947	333	Board of pharmacy for the state of Florida See: PHARMACISTS		
Traffic regulations at university of Florida, authorized to adopt	1939	290	Board of pilot commissioners See: PILOT COMMISSIONERS		
Travel insurance for personnel, payment from public funds prohibited	1959	646	Board of public instruction See: County boards of public instruction under SCHOOLS		
Trucks, purchase, when authorized	1931	411	Board of tax equalization See: COUNTY BOARD OF EQUALIZATION		
Trustees			BOARDING HOUSES		
John Ringling estate; power to use funds for repairs	1949	325	See also: HOTEL AND RESTAURANT COMMISSION		
Westcott property; Leon county	1949	325	Building plans to be approved	1923	187
Tuition fees, nonresident; Florida state college for women	1939	294	Clubs serving meals	1915	224
Universities' funds; temporary deposits in private banks; transfers; no legal objection	1953	338	Inspection and license, subject to inspection, subject to; when opened part of year	1923	185
University of Florida			Licenses required	1915	223
Campus traffic; city of Gainesville; authority to regulate	1949	326 350	Occupational license tax; interpretation of law	1925	366
Fees, extra curriculum, authority to collect	1941	330	"Rooms," when counted as such under hotel inspection law	1931	709
Negro students, attendance	1941	332	BOARDS, COMMISSIONS AND AGENCIES	1915	221
Student traffic court, operation; extent	1951	421	Award by arbitrators for alleged breach of contract by state; legality	1947	49
Students, residence requirements	1941	327 329	Building permit fees; liability	1945	436
University of south Florida, tort liability	1959	724	Competitive bids; purchases; requirements	1953	369
University traffic control; police authority on campus	1947	339	Constables, procedure with reference to	1931	476
Unpatriotic conduct, may terminate employment	1917	379	"Current" expenses of state government	1907	80 160
Veterans			Expenditures		
Unmarried male veterans; admittance to women's college	1945	440	Limitation by budget commission	1945	367
Veteran's wife; admission to university	1945	439			
Vouchers; payment from permanent building fund	1943	284			
Wages, assignment by public officers or employees; issuance of state warrant to assignee, prohibited	1953	125			

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BOARDS, COMMISSIONS AND AGENCIES		
(cont.)		
Expenditures (cont.)		
Regulation of; subject to, by the legislature	1953	9
Federal rent control regulations; effect	1947	340
Five funds act; application	1945	363
Fuel tax, governmental agencies not required to pay	1939	518
Gas tax from, collectibility	1933	75
Gasoline tax; exemptions	1943	234
Heads of departments, salaries; appropriation	1933	381
Hospital survey authority; improvement commission; federal aid	1945	520
Immunity from suit	1943	453
Motor vehicles		
Beauty culture board; purchases	1945	227
Children's commission; purchases	1947	130
Hotel commission; purchases	1945	228
		229
		230
Law does not prohibit purchase	1929	184
Plant board; purchases	1947	131
Purchase; power of budget commission	1949	159
Tuberculosis board; trucks	1945	527
Municipal utility service tax; exemption	1945	263
Necessary and regular expenses, use of funds appropriated for salaries	1933	391
O. P. A. ceiling prices; application to sales	1945	437
Property, municipal paving assessment against, costs, payment	1953	182
Public officers and employees, compensation for services as board member	1953	355
Purchases		
Commodities for resale; bidding and advertising requirements	1953	376
Rental purchase agreements; competitive bids, requirement	1953	369
State purchasing council, extent of authority	1953	364
Real estate; power to purchase; public safety department	1945	495
Records, public inspection; applicant's examination grades	1951	216
Regular fee required	1931	224
Regulatory fees as trust funds	1951	437
Revolving funds, establishment of for certain departments located in Tallahassee; limitation	1955	873
State boards; power to employ members	1945	585
		730
State government		
"Extraordinary" expenses	1907	80
		160
"Running" expenses	1907	80
State subscriptions and purchase of newsletters; use of state funds	1955	944
Statute, construction	1931	490
Surety bonds of mutual companies; acceptance by state	1945	668
Surplus funds; transfer to building fund	1945	447
		453
		463
Tax assessor entitled to payment, when	1931	693
Torts		
Actions in immunity	1947	517

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BOARDS, COMMISSIONS AND AGENCIES		
(cont.)		
Torts (cont.)		
Immunity from liability; board of control	1947	333
Liability for; council for the blind	1945	548
Nonliability	1947	377
	1949	468
	1951	437
Trust funds, regulatory fees		
Tuberculosis board, acquisition of property; by effect	1945	526
Unearned salary of state employee for full month, board not authorized to pay	1939	286
Validation of bonds or certificates; certificate of clerk of circuit court; application of law	1957	414
BOATS		
See also: CONSERVATION, BOARD OF; GAME AND FRESH WATER FISH COMMISSION; FISH AND FISHING; HARBOR MASTERS; VESSELS		
Armed services, owned by members of; tangible personal property tax, requirements	1959	746
Basin, dredging by county commissioners; authority	1947	141
Beer delivered to ships; excise tax	1947	501
Documented under title 46, U. S. C. A. ; personal property taxation	1951	304
Fishing boats; gasoline tax, if subject to	1931	300
Houseboats; homestead exemption	1947	195
License tax		
Aliens or nonresidents; requirements	1937	570
		572
Fishing	1935	642
		652
		656
Fishing boats used for pleasure, requirement	1955	225
Fishing in salt waters; requirements	1939	493
Fractional license not required	1937	571
Nonresident fishing boats	1947	400
Rented for fishing; licenses where rental free but parking fee paid	1949	404
Rented for salt water fishing, county commissioners engaged in	1951	509
Salt water, required	1937	572
Liquefied petroleum gas equipment, installation; regulatory law	1947	489
Motels and tourist courts, rented for public hunting and fishing; license requirement	1955	765
Motor boats		
Aviation gasoline; use in motor boats; taxability	1943	234
Taxes, not exempt from	1939	516
Nonresident shrimp boats; rights under reciprocal agreement	1947	409
Registered with the coast guard and customs office in this state; taxable situs	1957	90
Registration; tax collector's fees as income of office	1959	210
Taxation		
City of Apalachicola, power	1955	839
Personal property	1931	745

Subject	Year	Page
BOATS (cont.)		
Taxation (cont.)		
Tangible personal property; liability	1951	309
Yachts registered in another state	1947	239
Trailers; directional signals; requirements	1957	454
Withlacoochee river; anchored between Citrus and Levy counties; tax situs	1949	249
BOCA CIEGA BAY		
Pinellas county water and navigation control authority; bulkhead lines fill permit, issuance; combined hearings before examiner; authorized	1957	735
Submerged lands, dredging and filling; navigable waters or ports, regulation	1955	863
Boca Grande, port of; federal felony; parolee; licenses	1949	347
Bolita tickets; automobile; evidence of gambling; search warrant	1949	586
Bona fide resident; two-year residence; temporary absence; effect	1957	411
Bond construction fund; loan to general operating funds	1941	303
Bond elections See: ELECTIONS;		
School districts under SCHOOLS		
Bond issue; money raised for specific purpose, diverting of such funds prohibited	1927	296
Bond trustees See: COUNTY BONDS		
Bondholders protective committee; securities commission, not required to qualify under	1931	990
BONDS		
See also: REVENUE BONDS		
Acceptable		
Payment of taxes	1931	530
Redemption of tax certificates	1931	771
Accepted in exchange for tax certificates; property of state, county or municipality	1931	818
Appearance	1931	331
Approval, custody, estreature, etc.	1947	163
Capias issuance after; service	1953	409
Constable		699
Approval	1947	597
Not entitled mileage charge to another county	1949	65
Limited surety companies' liabilities, limitation	1951	699
Real estate bond; disposition	1949	603
Traffic violations; AAA membership card	1951	476
Arrest bond certificates; form; automobile clubs	1951	476
Bail and costs, when sheriff may approve	1951	693
Bail bonds See: BAIL BONDS		
Bailiffs; criminal cases, woman juror; woman bailiff required to attend	1925	381
Beauty college operator	1953	706
Bids for building before bond election held, authority to accept	1941	644
Board authorized to pay less than par value for	1915	177
Board of administration	1933	182
Authorized to act under chapter 14486	1933	180
Change form of securities held by it as statutory trustee, authority	1933	184

Subject	Year	Page
BONDS (cont.)		
Board of administration (cont.)		
County funds, investing, in bonds of another county	1943	323
Redemption; procedure	1943	325
Board of education; private sale	1945	778
Board of public instruction		
Authority to sell	1939	210
Liability for interest after maturity	1941	284
Bridge; cannot be used for payment of county and state taxes	1931	328
Broward county		
Method of payment by board of administration	1941	423
		424
		425
Not authorized to amend certification of indebtedness as to assumed indebtedness which cannot participate in gasoline funds	1933	175
Canaveral port authority; not acceptable as deposits	1951	246
Cancellation	1935	49
Treasurer, received by	1937	605
When defendant commits suicide	1957	705
Capital outlay, deposits and disbursement of proceeds from; method	1953	347
Cash, judge has right to order refunded	1927	388
Certain duties required	1931	573
Certified copies of contract or bond; furnishing where building subject to materialman's lien	1959	146
Chairman, treasurer of political executive committees; requirements for	1957	569
Citrus county, authority of board of administration to complete transaction with refunding agency	1933	178
Citrus fruit dealers, when not required to post	1937	558
Clearwater, authority to exchange for refunding	1937	607
Clerk circuit court		
Cancel and deliver to board of public instruction, required to	1939	207
Compensation, entitled to, for signing	1927	445
Fee for signing validation certificates	1925	334
Handle bonds for profit as an independent enterprise, unauthorized	1933	247
Required to give	1937	42
Transfer interest received under Futch bill, unauthorized to	1933	186
Collier county; proposed issue; board may initiate petition	1949	309
Comptroller		
County officers, bonds of; approval	1939	75
Settle judgments on, when estreated, unauthorized to	1939	529
Welfare board, without authority to sign for members of	1937	498
Comptroller and treasurer, duplicate warrants	1943	98
Conditional pardon, effect on	1927	290
Constables		
Appearance bonds, acceptance; county not liable for fees	1957	219
Collection of cash bonds by; without authority	1953	716

Subject	Year	Page
BONDS (cont.)		
Constables (cont.)		
Criminal cases; approved fees	1949	44 600 604
Justice of peace; approval; authority	1949	44 600 604
Procedure with reference to	1931	476
Right of, to take and approve	1929	345
Taking and approval by; fees	1945	116
Convict guards, required for	1931	474
Corporation not proper surety	1923	265
Cost		
Default		
Defendant, rights of	1921	315
Procedure	1921	311
Forfeiture, commitment of defendant	1921	298
Sureties not relieved by delivering defendant	1921	332
County board of public instruction		
Debts, authorized to use for	1939	207
Sale; funds used for original project only	1949	292
Vice-chairman; surety bond, amount	1951	383
County bonds		
Acceptable in payment of taxes	1931	771
Cancellation by state treasurer	1941	152
Commissions, issuance by governor	1923	73
Eligibility of securities	1953	580
Exchange by state treasurer	1941	153
Funds must be used for purpose designated	1931	527
Interest after maturity	1935	805
Issuance pursuant to §135.01, F. S.; not acceptable as collateral security for state deposits	1957	516
Method of handling	1931	524
Proceeds to be turned over to road department	1923	211
Refunding, compensation of trustees	1941	141
State treasurer, duties of as custodian	1945	98
Surrender by state treasurer to board of administration	1941	154
Trustees		
Certificates indebtedness; surplus funds; investment	1949	192
Commissions		
Not required	1923	73
Regulation by contract	1915	159
Compensation	1917	459 1921 246 327 1923 260 281 1931 375 402 1941 141
Election and necessity	1921	351
Fees; entitled to	1931	402 1923 260 281
Franchise, not authorized to grant	1931	778
Road bonds, selection of	1919	111
Vacancy, governor not authorized to fill by appointing member	1931	224

Subject	Year	Page
BONDS (cont.)		
County bonds (cont.)		
Trustees (cont.)		
Validating bonds, duties	1925	308
County commissioners		
Authorized to require	1925	306
Chapter 15888, acts of 1933, construed	1933	177
Construction of law; payment	1931	496
Tax collector, to fix bond	1937	94
County deposits, when required to secure	1925	205
County fee officers, premiums necessary prerequisite	1939	55
County guards, rifles	1917	220
County judge's advisability of suit on, for game and fish funds lost in defunct bank	1933	254
County judge's court, security for costs	1941	781
County officers		
Actions; procedure	1943	132
Cancellation; return of commission tax	1943	162
Period of extension	1943	187
School superintendents and chairmen of board, amount	1939	191
Surveyor; payment of premium	1947	126
Criminal cases, procedure	1927	388
Criminal court of record, judge; cash bond, time limit to set aside estreature of	1959	218
Dade county, security for state funds; acceptability	1941	11
Defaulted		
Calhoun county, board of administration; payment of interest after maturity	1941	425
Defendant, arrest	1951	772
Method of payment	1931	329
Defaulting		
Officials	1933	198
Public officer's bonds, allocation of money collected	1933	195 200
Deputy sheriffs		
County commissioners, approval	1945	120
Premium, payment	1945	217
Development commission, Florida; board administration duties related to certain pending bond issues	1955	223
Disposition authorized	1931	563 1937 608 1943 223
Documentary stamp tax		
Canadian government bonds owned by resident, subject to	1933	52
Mortgages; required	1949	255
Title to real property; requirements	1951	314
Domestic insurance company; agent's counter-signature required	1949	538
Duval county school district bonds, eligible for investment of sinking funds collected for retirement	1939	152
Education department; county school board chairman; responsibility	1949	316
Election See: ELECTIONS		
Escambia county, sheriff; approval	1949	608
liability		
Estreat of bonds See: ESTREAT OF BONDS		

Subject	Year	Page
BONDS (cont.)		
Everglades drainage district		
Registration	1935	779
Safekeeping receipts	1949	29
Farm colony superintendent	1945	531
Farmers' markets	1935	784
Federal land bank system	1931	1038
Fidelity or surety		
Order of court, authority in cer- tain matter	1931	332
Rates, regulations	1945	686
Fines and costs		
Approval		
Forfeiture, etc.	1947	601
Liability where not paid	1949	608
Bond proceedings; demand on, defendant in prison	1949	608
Bondsmen		
Liability, not relieved of, be- cause defendant served time in lieu of fine	1933	485
Number, release	1945	122
Surrender, may not	1949	607
Construction of statute	1931	749
Credit allowed; partial service, sentence	1949	626 629
Criminal cases	1919	259
Default of payment		
Defaulters, procedure where in United States army	1941	775
Defendant, arrest	1951	772
Defendant in person; demand on surety	1951	773
Defendant may give	1929	349
Effect on appeal	1941	777
Forfeiture; surrender of defendant; power not vested in bondsmen	1949	607
Justices of peace; authority to as- sess	1949	64
Motor vehicle operator; valid drivers' license not in possess- ion; no conviction if produced in court	1949	369
Paid, must be to cover	1927	379
Prisoners; county jail; sentence, partial service; reduction of cost and fine	1949	627
Sentence set aside and resentence; county judge; authority	1949	60
Sheriffs, liability		
For collection	1945	124
Sureties, qualifications as bondsmen	1957	686
Sureties, release	1945	749
Florida Keys aqueduct commission members	1941	94
Florida state improvement commission, series 18; not acceptable as de- posits	1949	556
Florida state mid-winter fair associa- tion; bond issuance, validity	1905	61
Funds		
County commissioners, transfer	1941	129 130
Maintenance fund, transfer	1941	129
Futch bill; interest not paid when under	1933	185
Future receipts, cannot repay from, sum borrowed to pay on interest, maturity	1933	173
Gasoline taxes, evidence of whether have been budgeted by commission- ers, to be determined by board	1933	184

Subject	Year	Page
BONDS (cont.)		
Governor, comptroller and treasurer, authority		
To accept refund bonds	1937	604
To exchange for refunding	1937	603
Governor, payable	1923	157
Greenville, town of	1923	136
Hardee county, board of public in- struction, validity	1947	310
Hawaii highway revenue bonds, tax liability against holders	1957	9
Hillsborough county; board of ad- ministration		
Investment	1941	442
Purchase	1941	439
Homestead exemption not applica- ble to outstanding	1935	83
Homesteads not subject to taxation for payment when issued and sold subsequent to homestead amendment	1939	458
Housing authority		
Sale of securities; exemptions	1949	479
State deposits, eligibility to secure	1953	14
Indemnity bonds	1923	132
Indian River county bonds in cus- tody of state treasurer; cancella- tion and disposition	1947	22
Institutions; prior to receiving ca- davars	1953	345
Insurance commissioner; release; withdrawing insurance company	1949	537
Intangible personal property tax		
Bonds and notes secured by lien on real or personal property	1933	59
Corporate stock, tax exempt se- curities	1949	252
Custodian, return	1945	332
Inter-American trade center; liability	1955	368
Subject to	1937	541
Interest before judgment, school boards not to pay	1937	207
Interest maturities, payment au- thorized; certain conditions	1933	172
International bank for reconstruc- tion and development; invest- ment of public funds	1947	15
Investment of funds of special road and bridge district, in bonds of another road and bridge district	1933	182
Issue of, report	1919	219 221 222 223
Jasper, city of	1911	67
Judge, small claims court; require- ment	1951	82
Judgments or decrees obtained; interest at 5%	1937	38
Justice of the peace		
Approval, fee	1945	142
Fees when appearance bond is estreated	1959	428
Peace bonds		
Breaches, condition of; powers for enforcement	1955	92
Forfeiture	1949	73
Kanner bill, bonds and all past due interest coupons, purchase under	1933	154
Lee county, held under Futch act, payment by board of adminis- tration	1941	448

Subject	Year	Page
BONDS (cont.)		
Legal call, sufficiency	1941	475
Leon county, redemption, procedure	1941	467
Liberty bonds, board has authority to sell and invest proceeds in like securities	1933	164
License tax; slot machines	1935	736
Manatee county, board unauthorized to change	1933	176
Marion county, board of administration; paying agent, re-mittances	1933	169
Martin re: cancellation	1937	605
Matured		
Board cannot purchase as an investment for county or taxing district	1933	183
Partial payment, may be made pro rata	1933	408
Tax collector or county commissioners, procedure to be followed	1931	564
Mortgage given by contractor to surety upon performance bond; contingent liabilities; tax situs	1957	213
Motor vehicle manufacturers, out-of-state; bond and license requirements	1951	610
Municipal contracts; performance bonds, limitation clause; effect	1951	93
Municipal court; supersedeas bond premium in appeal to circuit court as costs; payment by city	1957	488
National capital housing authority bonds, tax exemption	1959	445
Ne exeat; officer responsible for approval	1953	54
Notary public		
Clerks circuit court; approval	1949	163
Fee of clerk of circuit court for approving	1947	133
Reappointed; approval	1905	188
Ocean Shore improvement district; refunding operations, payment of compensation	1933	171
Official		
Comptroller not authorized to sign	1937	498
Interested party has right to institute suit in name of governor	1927	134
Return of	1909	39
Okeechobee county; payment of bonds out of 1932 ten mill levy required; mandamus on relation of Gillespie and others	1933	167
Original issue, board not authorized to pay interest on, after being instructed by county to transfer funds to refunding account	1933	166
Par value, board not authorized to sell bonds of sinking fund for less than	1933	179
Pasco county		
Authority to exchange for refunding	1937	608
Collection of interest coupons	1939	297
Payment of taxes, when acceptable	1931	501
Penal bond, contractor erecting public building	1947	367
		374
Personal; surety bond for two years cannot be terminated upon giving	1933	484
Pinellas county, refunding indebtedness	1933	172

Subject	Year	Page
BONDS (cont.)		
Plumbing contractors		
Expiration date	1951	617
License requirements	1951	318
Port of Palm Beach district, state treasurer to deliver, authority	1937	609
Premium		
Commissioners and school board members, payment, authorized by county	1933	216
	1939	55
Hotel commissioner and inspectors	1933	450
Necessary expenditure of office	1939	55
Racing commission, employees	1933	440
State officers	1933	610
State road department, employees	1933	615
Proceeds		
Authorized purposes only	1917	449
Construction of auditorium in another school district, use	1937	194
Expenditures limited	1921	247
Professional bail bondsmen, hearing re licensing; right of news and television cameramen to photograph proceedings within hearing room	1957	853
Public officers		
Bonds; cancellation prior to expiration of term designated	1957	709
Method of bringing suit when given by	1929	399
	1937	46
Purpose contemplated, board cannot divert from	1937	184
Raised, but not used for retiring refunding bonds; use	1933	176
Rearrest for failure to comply	1935	687
Receivable at par in redemption of lands, when	1931	713
Received by county for delinquent taxes, return of when deposited with state treasurer	1935	95
Re-establishment for lost or destroyed	1913	172
Refunding		
Application	1931	950
Board of administration		
Approval not necessary	1931	228
Exchange by board not authorized under the law	1933	165
Chapter 15772 authorized issuance and approval of board is not necessary	1933	187
Constitutionality of statute plan to become effective upon a certain contingency	1939	340
Exchange special school district bonds acquired through distribution of bonds taken in under Futch act, county board authorized	1939	166
Issuance, law applicable	1931	869
Municipality; exchange agent dealer in securities	1949	478
Okeechobee county; application of law in re allocation of gas tax	1931	329
Plan, constitutionality of statute to become effective upon a certain contingency	1939	340
School district; law applicable to issuance	1931	869

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
BONDS (cont.)			BONDS (cont.)		
Refunding (cont.)			State road department not authorized to pledge second gas tax for payment Walton county bridges	1937	470
Sumter county; exchanged for refunding bonds upon proper resolution by county commissioners	1933	170	State treasurer		
Validation, charge by clerk of circuit court	1941	21	Deposited with	1937	123
Registration			Official; relation veterans' re-adjustment assistance act	1951	566
General election, time for opening	1949	98	Trustees I. L. fund, Everglades drainage district, held by	1939	341
School bond elections; freeholders; certified list eligible to vote; closing time	1949	148	Unemployment compensation funds for veterans and federal employees, coverage of	1957	68
Release of funds, surety, effect; to contractor by board of control	1947	339	Statutes construed, indemnity	1923	132
Return of funds levied and collected in connection with refunding when program fails, refunding program	1933	168	Statutory interest, computing on judgment	1937	186
Road bonds			Statutory trustee; board of administration to change form of securities held by it as; authority	1933	184
Authority to enforce payment	1917	120	Subdivision, municipal or political; interest coupons, delinquent; rate of interest	1951	709
Districts, issuance by; affecting road duty	1913	192	Sumter county, county commissioners, purchase	1933	174
Maintenance and construction, contracts, bidders, guaranty required	1955	264	Superintendents of state mental institutions; amount required	1957	332
Utilized without formal bids and contracts	1917	249	Supersedeas		
St. Johns county, refunding operations	1933	172	Appeal as; judgment and sentence; cost, payment	1953	52
St. Lucie county, re cancellation	1937	606	Estreatment, etc.; procedure	1947	604
Sale of liberty bonds; use of proceeds to purchase bonds for which sinking fund created	1933	163	Liability of county for premium	1947	562
School bonds See: SCHOOLS			Payment of costs by solvent dependent as prerequisite	1947	599
Securities			Personal check as; insurance agent license suspension	1951	654
Dealer; continuation certificate in lieu of bond	1947	485	Proof of insolvency or prepayment of cost, essential	1915	264
R. F. D. loans	1935	49	Status of person during pendency	1931	637
State funds			Tax commission to make supersedeas bond in tax cases on appeal, authority	1915	212
Acceptability	1941	12	Surety		
Deposits; substitution	1945	97	Approval	1921	72
Securities commission					75
Employees	1947	21	Citrus fruit dealers; liability	1945	655
Substitution	1943	431	Dealers in liquid fuels; liability insurance required	1949	481
Senate bill No. 852; construction	1931	357	Declaration of liability	1951	692
Settlements, liability for interest after maturity	1933	429	Demand on; defendant in prison; fine and cost	1951	773
Sheriff			Insurance companies	1921	177
Cash appearance bond; defendant appearance in justice of peace court; disposition	1959	423	Judgment on	1921	80
Defendant's bond upon arrest without warrant for criminal offense; legality	1959	674	Laundry and dry cleaners; insurance	1949	466
Receiving cash for, duty to pay into county treasury	1927	388	Liability of sureties, on bond for former term	1917	155
Ship canal authority board members	1945	506	Liquefied petroleum gas; dealers; liability insurance required	1949	481
Sinking fund			Mutual companies; acceptance by state	1945	668
Account, board not authorized to change form of investment	1933	180	Securities commission; dealers in surety bonds; requirements	1957	763
Board unauthorized to sell bonds less than par value	1933	179	State road board members; interest in surety bond of contractors	1957	755
Reinvest	1933	169	Withdrawal of	1911	44
Investment	1919	75	Surplus; disposition	1917	476
Specific purpose, uses	1931	534	Tax anticipation certificates; power of inlet district to issue	1947	150
Transfer of balances to assets of refunding issues; old balances, uses	1937	610	Tax certificates, county, district or municipality may declare class to be accepted	1931	395
Special tax district See: SCHOOLS			Tax collectors	1927	437
Stadium bonds, school; validity	1947	308	Agency not subject to cancellation	1931	1060
State deposits; state-guaranteed parkway bonds (series A) of New Jersey highway authority; eligible as security	1953	13			

Subject	Year	Page	Subject	Year	Page
BONDS (cont.)			Bosso, Samuel C., Jr.; board of pardons, power to release from probation	1949	625
Tax collectors (cont.)			Botanical preparations; naturopathic physicians, prescription	1941	628
Payment of extra premium	1947	128	BOUNDARIES		
Tag department agents; premium payment	1941	386	Alachua and Marion counties	1911	70
Tax redemption, use of	1935	90	Alachua county, at Orange Lake	1939	527
Tax school district, chapter 11855 not applicable to special	1927	301	Beverage department, jurisdiction	1937	227
Taxes for payment of 1931, no limit to levy	1931	945	Broward county, salt waters; defined	1953	438
Taxes, payment of; municipalities not authorized to accept	1931	815	Citrus and Levy counties; situs of boats for taxation	1949	249
Territory of Florida, purported to have been issued by, not valid	1929	223	Counties	1911	43
Timber sale contracts; cashier's checks or money orders sufficient security in lieu of performance bond	1957	288	Dividing excess sections, method	1931	614
Trailer coach dealers	1947	391	Election district; democratic committee members	1949	125
Trustees See also: Trustees under COUNTY BONDS			Florida; jurisdiction over shrimp grounds, Dry Tortugas	1949	413
Duties of, in validating	1925	308	Lake Hatchneha	1931	588
Fees; regulation, by contract	1915	159	Municipalities; election districts	1949	85
Preliminary expenses incurred in bond issue, not authorized to pay	1919	261			86
Surplus funds, investments, certificates of indebtedness	1949	347	Perdido Bay	1931	875
United States territorial bonds, exempt from state taxes	1959	41	St. Augustine, city of	1931	834
Validation			Taxation of lands transferred from county to county	1949	20
Certificates, fees	1927	307	Two-thirds registered electors in district required to sign petition for change	1931	487
Certificates signed by clerk; fees	1957	305	Box ball alley; license tax of \$10 required	1931	981
Proceedings; certificate of clerk of circuit court; application of law to state agencies	1957	414	BOY SCOUTS		
Waterworks system, municipal bonds; issued for; validity	1905	51	County contributions unlawful; county commissioners; no authority	1949	175
Workmen's compensation, indemnity bonds for self-insurers	1957	158			180
Bonds and endowment bond See: BONDS; INSURANCE; SURETIES			Motor vehicle commissioner; series tags for vehicles	1949	363
Bondsmen See: BAIL BONDS			Property exemption; tax sales certificates; cancellation	1949	220
Book stores; school houses, maintenance in, permitted	1937	200	Bradenton, city of; homestead tax exemption, claims	1953	220
Bookbinding; state board of health; having work done outside state; legality	1947	374	BRADFORD COUNTY		
Bookie bill See: BOOKMAKERS			County funds, administration and disbursement by department of public welfare	1959	145
BOOKMAKERS			Elections, permanent registration system; qualification date	1949	82
Baseball games; wire information	1949	395	Hospital corporation, officers and employees; retirement benefits	1955	537
Beverage department authorized to revoke license when connected with barrooms	1937	216	Residence; qualifications and registration of elector	1949	91
Hotel commission; no authority to revoke licenses; illegal operation	1949	470	State prison farm lands, taxation	1947	183
Railroad and public utilities commission, bookie bill investigations; witness fee reimbursement	1949	395	Tax assessment, sections 19 and 20, township 4 south, range 22, east; portion subject to	1953	1
Second offense; information, charging of previous information in	1957	512	Tax collection, fees; special road and bridge tax	1951	498
BOOKS			Taxation, lands owned by state	1947	182
Audit; state road department	1949	383	Branch offices; instruments filed for record in deputy clerk's office; time stamp; recorded when filed	1957	499
Court registry record; public record for inspection	1951	217	Bread; commissioner of agriculture may prohibit sale if artificial coloring added, when	1937	278
Loose-leaf record disapproved	1917	87	Breeding grounds; construction of statute in re game, nongame birds and fresh water fish	1931	430
Registration See: ELECTIONS; SUPERVISORS OF REGISTRATION			BREVARD COUNTY		
Textbooks See: SCHOOLS			Commissioners		
Boot repair shop See: LICENSES AND LICENSE TAXES			Districts, mandatory duty to re-district according to population	1951	222
Bootblacks; workmen's compensation law, application	1939	377	Fresh water fish, regulations; no authority	1951	506

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
BREVARD COUNTY (cont.)			BROWARD COUNTY (cont.)		
Justices of peace; criminal trial jurisdiction	1949	73	Justices of peace; trial jurisdiction; certain cases	1949	65
Maintenance fund	1933	219	Land for public beach, purchase of, installment contract basis	1953	471
Mosquito control district; road and bridge funds; transfer, commissioners; no authority	1949	190	Laundry and dry cleaners; insurance; surety bond	1949	466
Orlando utilities commission lands located in Brevard; ad valorem tax situs	1957	696	Mosquito control; state board of health, contribution	1951	521
Party committee election; qualification of members; deadline	1949	130	Municipal corporation, organization of; eligible voter list; supervisor of registration's duties	1949	204
Proposed breakwater jetty in, for city of Orlando power plant; permit requirements of trustees	1957	641	Municipalities; assessment of taxes; constitutional provision	1949	229
School district, creation of; trustee tenure; conflicting laws	1947	291	Redistricting; effect	1947	286
Small claims court judge, substitution; procedure	1957	298	Registration		
Supervisors of registration; assistants' compensation	1949	142	Party affiliation, change	1949	145
		143	Period; school district bond elections	1949	148
					149
Brevard mosquito control district; county commissioners; district road and bridge funds; transfer	1949	190	Statutory requirements	1949	148
BRIBERY					149
Money paid as; not subject to forfeiture	1953	655	Salt waters; defined; violation of fish laws; constables, authority	1953	438
School construction contracts; validity	1951	365	School bonds		
Bridge election See: ELECTIONS; ROADS AND BRIDGES			Election; special registration book, opening	1955	349
Bridges See: ROADS AND BRIDGES			Joint issuance by two districts	1941	291
Broadway plan of church financing; bonds or other securities issued; taxability	1957	64	Search warrant, evidence seized by authority; evidence admitted	1957	273
BROKERS AND SALESMEN			Seminole Indian reservation		
See also: REAL ESTATE BROKERS AND SALESMEN			Hunting on, by Indians; subject to regulations	1953	357
Partnership license tax; construction of law	1927	282	Leasing, fencing, posting	1943	304
Securities held by, required to be returned for intangible personal property tax	1939	471	Special census; effect on population laws	1943	192
BROWARD COUNTY			Summer dog racing, permit; validity	1955	36
Bonds; appearance and real estate; disposition of money	1949	603	Teacher's contract for continuing employment, school board	1951	390
Candidates for clerk criminal court of record; filing fees	1949	50	Transfer of information to newly created court of record when same originally filed in criminal court of record; fees	1959	193
Capital outlay funds, use restricted	1949	311	BROWARD COUNTY PORT DISTRICT		
Certificates of registration; liability of state for cost	1947	70	Audit by comptroller	1935	785
Constables; deputy, appointment; authority	1951	61	Bonds in payment of taxes due	1933	175
County commissioners, authority	1953	471	Condemnation, authority	1941	73
Coupons outstanding, payment by board of administration	1941	423	Construction of precooling plant, unlawful to borrow money for	1933	625
		424	Governor authorized to fill vacancy	1931	1046
Criminal court of record; defendant violating; probation; from circuit court	1949	625		1933	624
Felons, registration requirement; application of special federal census	1955	270	Broward (Napoleon B.) drainage district; millage, reduction	1941	174
Freeholders; eligibility to vote; school bond election	1949	148	BUDGET COMMISSION, COUNTY		
		149	Adoption of school budget	1943	267
Highway bonds, method of payment by board of administration	1941	425	Assessment roll; submission by tax	1947	203
Information filed in criminal court of record, transfer to newly created court without necessitating a re-filing	1959	188	County attorney's secretarial help; authority to strike from budget	1949	191
		193	County commissioners' budget; increase; approval	1943	186
			Duty under law	1937	104
			Duval county		
			Gasoline tax; direct control by county commissioners	1949	272
			Powers	1943	208
			Supplemental budget approval; authority and personal liability	1951	237

Subject	Year	Page
BUDGET COMMISSION, COUNTY (cont.)		
Pinellas county		
Authority	1949	191
Election, term of office	1953	98
Powers and duties generally	1953	154
Polk county, expenses of members, reimbursement	1941	138
Powers and duties	1943	251
Race track fund; water system funds, gas tax fund; control	1949	190
St. Lucie county; calling special primary to nominate candidates	1947	106
Special road and bridge tax; liability to municipalities	1949	394
Transfer, items of expenditure		
Not to exceed total amount of budget	1933	201
Resolution of the board and approved by comptroller	1933	201
BUDGET COMMISSION, STATE		
Appropriation for building fund; powers; duties of comptroller	1945	447
Authority	1925	77
Beauty culture board		
Power to alter salaries	1945	595
Salaries and expenses; approval	1945	366
Biennial appropriations, commitment from; payment after biennium	1951	439
Board of forestry and parks; emergency appropriation of; release	1947	372
Boards, commissions and agencies, regulatory fees as trust funds; declared by	1951	437
Building fund, surpluses from other funds; transfer	1945	447
		453
		463
Circuit judges' salaries, deficit in appropriation for; payment	1947	24
Compensation for other services from county	1933	206
Comptroller, approval of, for transfer of funds	1935	229
Construction of chapter 15938, 1933	1933	204
Departmental expense, budgets, approval	1941	235
Development commission; salary of director; limitation, etc.; jurisdiction and supervision	1955	702
Emergency fund		
Railroad commission, payment of special counsel's fee	1945	504
Tax collectors' commissions, use	1945	256
Employees' salaries, approval	1941	321
Farm colony incidental fund; approval of expenditures	1945	529
Florida apprenticeship council, operation; release of funds	1951	590
Game and fresh water fish commission, powers and duties over budgets	1953	306
Geological survey; approval of charges for publications	1947	400
Hotel commission should make report	1925	259
Hotel inspectors' subsistence allowance; approval	1945	206
Impeachment proceedings; board of managers, funds for expenditure	1957	208
Inter-American center authority, funds released to; deficiency appropriation	1951	440

Subject	Year	Page
BUDGET COMMISSION, STATE (cont.)		
Internal improvement fund; transfer of surplus to building fund	1945	447
		453
Items of expenditure transferred upon resolution of the board and approval of comptroller	1933	201
Palm Beach county; when budget commission under chapter 15938 of 1933 ceases to exist as to	1935	230
Racing commission return and report	1931	317
Release of proceeds from former state tax levy for public health	1947	412
Revolving funds, establishment, for certain state departments; authority and limitation	1955	873
Salaries, proposed changes in budget relative to	1933	204
State agencies, budgets; jurisdiction	1945	367
State building fund, powers in respect to	1945	447
State forester's salary; approval of increase; effect	1947	522
State welfare board, use of unencumbered balances of categorical appropriations for hospital aid to recipients; authority	1959	610
Successors of, not bound by previous contract	1933	206
Supplemental budget	1935	228
Power to make	1933	202
Transfer of funds	1935	230
Trust fund; motor vehicle commissioner, establishment	1951	472
BUDGETS, COUNTY		
Aged and indigent persons; home for; county commissioners; authority	1949	201
Amendment		
Expenditure of unanticipated funds	1953	156
Procedure	1945	249
	1951	239
Appropriation		
County purposes, other than Playground and bandstand	1945	236
Playground and bandstand	1945	552
Budget board; unforeseen expenses; supplemental budget	1947	44
Clerk circuit court		
Not authorized to sign warrant, in excess	1939	27
Transfer of funds, permitted	1929	303
County board public instruction, schools; current program; priority	1949	315
County commissioners		
Compensation for preparing, not authorized to allow	1931	477
Road fund free of budget	1949	272
		274
Transfer of funds; authority	1931	252
	1951	240
County estimate, change before final adoption	1915	149
County finances, application to certain	1929	333
DeSoto county, cannot operate under Kanner bill under (1933-34)	1933	159
District; school trustees; authority; prepare	1949	316
Duval county, school funds; control	1949	291

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BUDGETS, COUNTY (cont.)		
Everglades fire control district; purchase of tractor on installments	1949	338
Excess fee fund		
Distribution	1941	144
Expenditures	1941	143
Expenditures, estimates of; application of law	1931	1017
Fine and forfeiture fund, excess expenditures	1941	138
Funds, unanticipated, amendment; to expend during current year	1953	156
Gas tax funds		
Allocation	1941	140
County commissioners; use excess funds	1949	272 274
Governing boards are authorized to exceed for purpose of obtaining federal grants	1937	60
Library board, state; contracts; appropriation; use; transfers of funds	1949	334
Martin county, cannot operate under Kanner bill under (1933-34)	1933	160
Polk county; jurisdiction; budget commission	1943	208
Race track funds; water system; control	1949	190
School board budget, amendment; adoption, authority	1951	408
Schools; preparation under supervision of county commissioners and board of public instruction	1929	219
Setting up		
New item, making appropriation and transferring to another fund	1939	40
Suitable way for	1929	333
Sheriff		
Budget law; competitive bids; requirement	1957	443
Office budget; procedure; enforcement by sheriffs, etc.	1959	504
Special road and bridge tax; liability to municipalities	1949	394
Surplus funds; use; procedure	1945	250
Transfer of appropriated fund to general fund; legality	1957	52
Traveling expenses of board members, legal to fix amount to cover	1931	539
Builders' exchanges; building, property, etc.; tax exemption	1957	182
BUILDING AND LOAN ASSOCIATIONS		
Annual reports; resident agents for service of process; construction of statute re requirement	1957	805
Assessment for taxes, method	1917	356
Building and loan association law, 1927 amendment, not retroactive	1927	166
Chartered to exercise certain powers regarding investments	1937	612
Claims, priority	1929	225
Contracts for deeds, intangible tax on; not exempt	1939	467
County surplus funds, investment; regulations	1953	136
Dividend checks, cancellation of, two years or more old	1939	530
Documentary stamp tax		
Contracts for deeds	1939	435
Requirements	1931	278

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BUILDING AND LOAN ASSOCIATIONS (cont.)		
Federal		
Agency, not necessary for stockholders to ratify purchase of stock	1933	531
Home loan banks; not authorized to invest funds in stock	1931	1051
Savings and loan associations, purchase of stock in and payment with mortgages held by it, unlawful	1933	530
Foreign corporations; word "savings" in name; restrictions	1949	560
Insolvency of; payment pro rata to stockholders	1933	529
Intangible tax law requires return to be made	1931	901
Interpretation of section 18, chapter 10027, 1927	1927	177
Investing stockholder, withdrawal	1931	750
Law		
Construed, sections 20 and 26, chapter 10028, 1925	1925	199
Interpretation	1931	282
Liquidation; unclaimed funds paid to state treasurer	1949	79
Loans, security	1927	170
Money lending	1911	72
Mortgages		
May accept own stock in payment of, in certain cases	1933	530
Purchased with idle funds, are assignable	1933	532
National housing act, not functioning as to new loans because of unpaid withdrawal demands; cannot make loans under the	1933	534
Savings banks; deposits by guardians of funds belonging to minors not unlawful	1939	541
Standard trust company, newspaper advertisement; operation	1905	36
State comptroller has supervision and may appoint liquidator	1931	1008
Stock, purchase of, in federal savings and loan association, payment with mortgages held by it unlawful	1933	530
Stockholders; liquidation; distribution of assets	1933	533
Straight deposit account basis, not authorized to receive funds on	1931	298
Taxation, method provided; if applicable	1927	192
Voluntary liquidation, in process of; association may function with whatever number of directors remain	1933	533
Where the capital is impaired to the extent of 30%; quarterly distribution to stockholders on a pro rata basis; mandatory	1933	529
Withdrawing members, law binding	1931	274
Building code; municipalities; zoning ordinance; Belle Vista Beach	1949	211
Building fund laws; supreme court building; appropriation	1949	336
BUILDING FUND, STATE		
Buildings, use, not specified in appropriations act	1945	472
Costs of brick plant, purposes	1945	766

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BUILDING FUND, STATE (cont.)		
Farmers' market buildings; expenditure, transfer	1945	657
Internal improvement fund, transfer of surplus	1945	447 453
Surpluses from other funds; transfer	1945	447 453 463
Tuberculosis		
Board, purchase of trucks	1945	527
Sanatorium; appropriation for construction	1945	525
Building permit; school construction; authority of municipality to withhold	1957	631
BUILDINGS		
Piers and buildings on lands covered by navigable waters, tax situs	1957	243
Prohibiting the moving of, from property upon which there is outstanding a state tax certificate	1933	103
Restraining the removal of, from lands upon which taxes are delinquent	1933	107
Bulb farming; jungle gardens, gasoline used for; tax refund	1953	289
Bulk sales; tangible personal property; by vendor to purchaser; tax liability of assessed tax	1957	611
BULKHEAD LINES		
See also: RIPARIAN OWNERS OR RIGHTS; SUBMERGED LANDS		
Appeals, time for filing from establishment of	1957	578
Chapter 57-362 and 57-1853, construction as to operation in Sarasota county	1957	608
Establishment		
Notice prior hearings	1957	608
Prerequisite to sale of sovereignty offshore areas; requirement	1959	342
Procedure	1957	324
Extension of modification of United States permit, holder of; not exempt from provisions of bulkhead law	1959	616
Fill permits; authority of local authority to issue without approval of trustee; requirement	1957	608
Fixed by municipalities; acceptance by county commissioners, mandatory	1957	752
Fixing and setting of; preservation of records and proceedings	1959	293
Guarantee to purchasers under bulkhead law	1957	307
Holder of unexpired United States fill permits, permittees not entitled to purchase without advertising fill area	1959	616
Longboat Key, bulkhead lines, established; approval by authority	1957	608
Method for fixing	1957	879
Municipalities		
Adoption or change of bulkhead lines; authority	1959	264
Breakwater jetty, construction upon sovereignty water bottoms; permit requirements of trustees	1957	641
Bulkhead requirements; fills outside city limits	1957	641

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BULKHEAD LINES (cont.)		
Municipalities (cont.)		
Fixing certain; notice and public hearing; requirement	1957	924
Navigable fresh water stream; establishment of bulkhead lines; approval required	1957	774
Offshore from existing lands, fixing	1957	699
Pinellas county water and navigation control authority		
Bulkhead lines fill permit, issuance; combined hearings before examiner; authorized	1957	735
Lines fixed by municipality; acceptance without public hearing, etc.	1957	924
Private parties, fixed by, prior to passage chapter 57-362; subject to changes	1957	879
Property purchased from state or its agencies; bulkhead lines, establishment across private property, county commissioners, duty	1957	484
Purchase affected by establishment	1959	1
Relocation; effect upon rights of qualified holder of United States permit	1959	616
Riparian owners; notice of establishment of by registered or certified mail; requirement	1957	504
Salt water rivers, whether exempt from operation of law	1957	563
Spoil bank, effect in purchase	1959	1
United States fill permit, extended or expired; permittees not entitled to purchase without advertising fill areas	1959	616
Valid United States permit, holder transfers title; transferee entitled to upland benefits, etc.	1959	616
Bull fights; pugilistic exhibitions, participation in certain; prohibited	1957	890
Bulletins; commissioner of agriculture authorized to print	1923	152
Bureau of inspection See: COMMISSIONER OF AGRICULTURE		
Bureau of narcotics See: NARCOTICS		
Bureau of vital statistics See: VITAL STATISTICS, BUREAU OF		
Burial association; funeral benefit or fraternal associations, not subject to law regulation	1929	237
Burial crypts; trusts for grave care, tax situs	1957	43
Burial insurance See: INSURANCE		
Burial permits; unlicensed funeral directors, director, vital statistics; unauthorized to refuse to accept certificate or issue burial permits to	1939	311
Buried property; experimental work, method to pursue for doing	1931	985
Burning crosses See: CROSSES, BURNING		
Bus drivers See: SCHOOLS		
BUSES		
See also: MOTOR VEHICLES		
"C" license, may operate with	1937	551
Church transportation, use; tax exemption, application of law	1933	93
Fire extinguishers, equipped with	1937	618
License tax		
Entitled to refund	1931	383
Used for private use	1927	275

<u>Subject</u>	<u>Year</u>	<u>Page</u>
BUSES (cont.)		
Local; territorial limits of operation	1947	388
School See: SCHOOLS		
BUSES AND TRUCKS		
See also: TRUCKS		
Constitution prohibits levying ad valorem tax	1931	674
Corporation tax, not liable for	1931	835
BUSINESS		
Operation, prohibited area; occupational license requirement	1957	595
Persons engaged in two or more businesses, etc.; occupational license exemption	1957	16
Pyramid clubs; lottery laws, whether violative	1953	670
BUTANE GAS		
See also: LIQUEFIED PETROLEUM GAS		
Heaters; overnight cabins, old and new; venting	1949	468
Buttermilk See: MILK AND MILK PRODUCTS		
BUTTONS, LAPEL		
See also: ELECTIONS		
Election candidates use; legality	1951	159

Subject	Year	Page	Subject	Year	Page
CABINET, STATE			CANNING FACTORIES (cont.)		
Federal funds, extra compensation	1937	460	Shrimp license tax	1933	3
Hotel commissioner's salary fixed by; governor; authority	1951	593	Canvassing board See: ELECTIONS		
Cadavers See: DEAD BODIES; CORONERS' INQUESTS; AUTOPSIES			CAPIAS		
Caddies; workmen's compensation act, subject to	1939	360	See also: PROCESS		
Cafes See: RESTAURANTS			Affidavit; cost bill; "no property found"	1949	620
Cafeteria; educational institutions; operation, private business; license requirement	1957	118	Arrests; information certified; justice of peace courts to county courts	1949	606
CALHOUN COUNTY			Issuance		
Bonds			Commitment without	1941	773
Defaulted, interest after maturity, payment by board of administration	1941	425	Defendant not in custody	1941	773
Refunding, payment of interest by board of administration	1941	426	Guilty plea or posting appearance bond	1947	599
Refunding expenses, payment by board of administration from sinking fund	1941	427	Posting bond; service	1953	409
Tax assessor; compensation	1945	303	Trial judge; service	1953	699
Caloosahatchee improvement district; trustees	1933	626	Necessity; accused in custody	1943	25
Campaign contributions, expenses See: ELECTIONS			Prior to filing; cases certified; circuit court to county court	1949	497
Campaign treasurer See: ELECTIONS			CAPITAL OFFENSES		
CAMP FOSTER			Forms, committing defendants in capital cases; prescribed	1957	677
Duval county, conveyance to United States naval air base	1939	223	Juvenile court, waiving of jurisdiction	1957	792
Money derived from sale should be deposited in state treasury	1939	220	Capital outlay funds See: Minimum foundation program under SCHOOLS		
Camping tourist of America; homestead exemption, nonprofit corporation, members; eligibility	1955	484	Capital publishing company; trustees of I. I. fund, bill for printing	1907	47
Campus federal credit union See: STATE UNIVERSITIES			Capital stock See: CORPORATIONS; STOCK		
Campus streets; junior colleges; primary or secondary road funds, use for construction	1957	586	Capitol center; appropriation; excess funds; use in supreme court building	1949	336
Campus traffic courts See: STATE UNIVERSITIES			Car pool; transportation provided under pooled fund arrangement; license for hire, requirement	1955	758
CANADA			CARE CONTRACTS		
Government bonds; intangible personal property tax, owned by resident subject to	1933	52	Church supported home for aged; law not applicable	1953	581
Teachers' retirement system; trustee; teaching credit	1949	318	Insurance commissioner, duties	1953	590
Canadian government bonds, owned by resident subject to intangible personal property tax See: CANADA; TAXATION; BONDS			Caretaker; fish and game club; payment of salary; tax funds illegal	1949	170
CANALS			CARNIVALS		
Assessment of taxes	1925	179	See also: CIRCUSES; SHOWS OR ENTERTAINMENTS		
Canal commission			License tax	1933	26
Limitation of act creating	1929	178	Operating under contract with fair association	1933	12
Selecting officers, method	1931	824			31
State seal on letterheads	1931	406	Casson, I. David; Florida crippled children's commission; treatment; expense, payment	1953	449
Validity of chapter 14724, 1931	1931	406	Cast net See: FISH AND FISHING		
Privately owned; taxation	1947	175	Casualty insurer See: INSURANCE		
CANAVERAL PORT AUTHORITY			Caterers; educational institutions, operation at certain; license requirement	1957	118
Bonds deposited in county depositories; not acceptable	1951	246	Catholic church; property, tax exemption	1951	281
Port bond election; opening of registration books	1947	112	CATTLE		
Salt water fisheries, regulating; authority	1953	444	See also: LIVESTOCK; MEATS AND MEAT PRODUCTS; ANIMALS AND ANIMAL INDUSTRY		
Candidates See: ELECTIONS			Bang's disease vaccine		
Canners See: CITRUS COMMISSION; CANNING FACTORIES			Appropriation; distribution; effective date	1945	648
CANNING FACTORIES			Bill of sale; chattel mortgage; documentary stamp tax	1945	339
Oyster license	1913	138	Count by tax assessor; additional expense	1945	242

Subject	Year	Page	Subject	Year	Page
CATTLE (cont.)			CENSUS (cont.)		
Cut of beef, definition; carcasses, sides, quarters, etc., sold; wholesalers	1949	505	County officers, effect on salary	1941	142
Dipping			District welfare board members; constitutional amendment; effect on membership	1949	429
Arbitrators, disinterested parties	1927	269	Effective date April 1, 1940	1939	531
Card record; form	1947	519	Enumeration, time	1923	153
Expense			Estimate contest; gambling; lottery laws, violations	1955	414
Disposition	1947	518	Felons, registration; application of special federal census	1955	270
Liability	1945	643	Justice of peace, effect of special census to jurisdiction	1957	366
To be paid by board	1923	198	Municipal; plumbers' code; applicability	1953	207
Widows exempt	1923	200	Population acts, effect of 1960 census		
Fixing cost; reimbursement of owners	1945	645	Additional or other counties	1959	114
Leon county, under certain conditions	1923	202	View of §11.031(3), (4), F. S.	1959	631
Punishment for failure to	1923	196	Reapportionment of representation in legislature	1945	79
Range rider, duty	1927	336			81
Replevin suit	1923	204			84
Impounding	1919	289	School board members' compensation; special federal census, effect	1955	125
Certain municipalities; authority	1905	210	Special		
Fees	1923	279	County commissioners, determination of compensation	1957	265
Officer; employment by county commissioners	1945	245	Effect on population acts	1943	192
Indemnity payments to owners under appropriations act	1937	456	Okaloosa county; county judge's compensation; effect	1957	129
Inspection; expense reimbursement to owners; fever tick	1949	504	Special act applicable to §166.03, F. S.	1957	201
Marks and brands			State, 1945		
Inspection and recording	1945	623	Effective date	1945	104
Jurisdiction over inspection	1945	622	Population acts; Palm Beach county	1945	165
Sale of impounded animals; report by sheriff	1945	123	School board members; effect on number	1945	394
Tick eradication appropriation; source	1945	468	Supervisor of registration not to serve as enumerator	1923	156
Cattle districts; redistricting by county commissioners	1935	234	CENTENNIAL COMMISSION		
Cattle guards; railroad companies; plantations, farms, etc., erection required	1904	59	Commission, generally	1919	194
Causeways; Venetian causeway; ad valorem taxes	1949	237	Expenses prior to creation, reimbursement	1941	362
Cedar Key, city of; wharf; cigarette tax moneys	1949	278	CENTRAL AND SOUTHERN FLOOD CONTROL DISTRICT		
Celo securities company; Florida securities commission law re stocks, bonds, securities and assignments, application	1931	967	County tax officials; assessment and collection; compensation	1951	295
CEMETERY			Funds, purchase as investment shares of a federal saving and loan association; authority	1953	446
Companies			Travel and per diem expenses		
Comptroller, regulation promulgated by; remedy to enforce	1955	486	Governed by §112.061, F. S.	1959	622
Dividends, approval	1933	627	Members; allowance	1959	598
Incorporation; authority	1925	134	Central conditioning corporation; investments; status of securities; Florida life insurance company	1949	521
Property held for future use as a cemetery; tax situs	1953	214	Central purchasing See: PURCHASING COUNCIL, STATE		
Documentary stamp tax act, deed to lot; tax situs	1931	1000	CENTURY OF PROGRESS COMMISSION		
Lots, sale of when no title passes; salesman's license requirement	1959	132	Funds and exhibits authorized to be used for exposition; certain	1931	354
Removal	1925	254	Racing act, money received by counties used to create advertising fund	1931	353
Trusts for grave care, tax situs	1957	43	Transfer of certain moneys; construction of law	1931	933
CENSUS			CERTIFICATES		
Aliens, census	1917	134	Delinquent taxes See: TAXATION		
Application of 1960 federal census as to municipal corporations (§§205.32, 205.38, 205.42, F. S.)	1959	652			
Appropriation	1935	415			
Beverage licenses					
Effective date of new census for Renewals thereof, issued; effect of 1960 census	1959	684			
County commissioners' districts; effect of special census	1957	366			

Subject	Year	Page	Subject	Year	Page
CERTIFICATES (cont.)			CHANCERY		
Indebtedness; amounts collected should be reported	1937	105	Complaint; copy request in certain case	1905	84
Separation; clerk of circuit court, recording by	1945	107	Procedure; divorce suits; proof of deposition	1943	133
Tax sale certificates See: TAXATION			CHARITABLE ORGANIZATIONS OR INSTITUTIONS		
Certified checks; documentary stamp tax	1941	8	Cigarette gifts to veterans; tax liability	1957	31
CERTIFIED MAIL			Definition	1953	511
Nonresident, service of process; in lieu of registered mail	1955	366	Insurance annuities in return for gifts; nonprofit religious or charitable organizations; whether constitute business	1957	658
Small claims court			Intangible personal property tax; exemption	1955	409
Notice, service by certified mail in lieu of registered mail	1955	221 230	Milk price-fixing by commission; prohibited	1953	511
Process, service by certified mail	1957	307	Solicitation of funds		
Upland riparian owners within 1000 feet in certain areas; publication and notice; requirement under 1957 law	1957	451	American Red Cross, permit requirement, exemption	1955	493
Certified public accountants See: ACCOUNTANTS			Permit, signature on application, requirement	1955	545
Certified statements; admissible in suits against delinquent clerk, and sureties on bond	1939	25	Taxation		
Chain store law See: CHAIN STORES			Exemption	1927	425
CHAIN STORES			Order of Moose, home for aged	1945	277
Definition; stock ownership, effect	1947	249	Property	1925	186
Licenses, transfer	1931	921 922	Proposed law, validity	1945	277
Subsequent law repealed	1931	282	Requirements; extent	1945	279
Taxes See also: TAXATION			Retired ministers, home	1945	276
Additional; power of comptroller to collect	1943	228	Property subject to or exempt	1925	184
License tax penalty applies to years 1931-32	1931	279	Rental property not exempt	1937	518
Liquefied petroleum gas dealers	1947	250	Trust properties, income used; tax situs	1955	909
Municipalities may impose 25% of state tax	1931	722	Vacant lots; taxability	1957	873
Number; tax liability; retailer report to comptroller	1949	260	Charitable trusts; real property, held for future use; taxability	1957	142
Race track shops; definition	1945	343	Charity day; race tracks; fund, disposition	1953	538
Restaurants, cafes, etc., not subject to	1931	893	Charity shows; free will offering; door prizes; whether violative gambling laws	1949	585
Unenforceable taxes; payment; power of comptroller to refund	1945	341	CHARLOTTE COUNTY		
Chair of Americanism and southern history; construction of chapter 12442	1929	196	Game and fresh water fish commission lands; assessment by county invalid	1949	400
CHALLENGE			School district, elections; registration book, closing	1951	113
Clerk and inspector of election; duty	1929	365	Vacant building, lease; competitive bids, requirements	1951	228
Methods to pursue	1927	406	Charter tax See: TAXATION; FEES		
Small claims court, jury trial; applicable	1953	50	Charters See: ASSOCIATIONS; CORPORATIONS		
CHAMBER OF COMMERCE			Chattahoochee, town of; state highway patrolmen; traffic assistance; authority to compensate	1949	208
Building, property, etc., tax exemption	1957	182	CHATTEL MORTGAGE		
Membership dues; not chargeable to tax assessor's office expense	1949	154	See also: DOCUMENTARY STAMP TAX		
Okeechobee county; advertising funds; authority to expend	1949	169	Crop mortgages, recorded in book	1951	712
State			Documentary stamp tax, assignment of wages and in one instrument	1933	48
Industrial survey expense, payment	1951	556	Filing and recording, distinction	1941	18
Memberships acquired by treasury department	1943	102	Chauffeurs' licenses See: Drivers' licenses under MOTOR VEHICLES		
Suwannee county; publicity; special millage	1949	182	Chautauqua; license tax	1927	350
Tampa; Democratic legislative caucus entertainment; election laws not applicable	1951	145	CHECKS		
Champerty and maintenance; common law in force in Florida	1931	892	See also: BANKS AND TRUST COMPANIES		
			Armored car company; cashing check for a consideration; violation of banking laws	1957	616

Subject	Year	Page	Subject	Year	Page
CHECKS (cont.)			CHIROPODY (cont.)		
State warrants See: WARRANTS			Board of examiners (cont.)		
Worthless See: WORTHLESS CHECKS			Fees; refunds; authority	1957	919
Chemical division; inspection, ex-			Legislature expense not author-		
penses	1923	168	ized by law	1933	464
Chemist, state See: STATE CHEMIST			License		
CHEROKEE INDIANS			Educational requirements	1947	453
See also: SEMINOLE INDIANS			Power to revoke if fee not		
Occupational license, exemption	1947	252	paid	1937	262
Chief of police See: MUNICIPALITIES			Secretary-treasurer, compen-		
Chief traffic officer; motor vehicles;			sation	1947	455
speed limit	1931	719	Commercial sale of customary		
Child-caring agencies; records	1933	462	foot appliances	1935	814
Child labor amendment to federal con-			Definition	1933	461
stitution See: CONSTITUTION,			Foot and arch specialist, services		
UNITED STATES			as; not violation of law	1953	490
CHILD LABOR LAW			Jury duty, not exempt from	1957	510
Employment certificates	1941	602	Licenses		
Federal constitution, amendment	1937	614	Practice without, unlawful	1931	800
Intoxicating liquors, interpretation	1941	607	Qualification by correspondence		
Marriage; operation of statute not			course	1941	624
affected	1941	603	Narcotic drugs; authority to pre-		
Maximum number of working hours			scribe	1943	401
per week; hours in school	1945	562	Reciprocity, construction	1935	819
Minors; employment			Renewal; time for payment of fees	1937	262
Board of forestry and parks	1941	601	Taxed as physicians	1929	374
Intoxicating liquors, place of sale			X-ray of spine and use of lifts in		
or manufacture	1941	604	shoes as means of treating pa-		
		605	tients; authority	1959	571
Construction of section 5950	1939	372	Chiropody examiners, board of See:		
Married female	1943	395	CHIROPODY		
Milk delivery	1943	396	CHIROPRACTIC		
School attendance	1943	396	Advertising free X-ray examin-		
Truck driver's helper	1941	603	ations; legality	1945	569
		604	Annual educational meeting; can-		
Wholesale liquor dealer	1943	398	cellation	1945	570
Production pine seedlings, agri-			Applicants, citizenship qualifica-		
cultural labor	1939	303	tion; requirement	1957	815
Pupils taking vocational courses,			Basic science certificate prerequi-		
part time employment	1941	337	site for naturopathic examina-		
State road department; failure to			tion	1941	622
obtain age certificate; effect	1945	554	Bay county memorial hospital,		
CHILD MOLESTER LAW			permit to practice	1951	580
Cases; parole commission, jurisdic-			Board of examiners		
tion	1951	724	Applicant for license		
Conviction and sentence; parole,			Board without authority to		
jurisdiction	1953	645	waive citizenship require-		
Criminal court of record; conviction			ment	1957	815
under; commitment to state			Requirements	1935	587
hospital	1953	644	Certificate to practice; courses		
CHILD-PLACING AGENCIES			required	1949	452
See also: ADOPTION; CIRCUIT			Duties under chapter 17764	1937	261
COURTS; MINORS; WELFARE			License holders over sixty-five;		
Dependent children, commitment;			certain exemptions; authori-		
circuit or juvenile court, juris-			ty	1957	889
diction	1955	365	Members		
Fees and charges	1955	173	Appointment	1919	137
Children See: MINORS; SCHOOLS			Eligibility	1923	172
CHILDREN'S COMMISSION, FLORIDA			Semiofficial opinions	1923	172
Automobile, purchase for use by ex-			Death certificates, signing; le-		
ecutive secretary; authority	1947	130	gality	1955	505
Executive secretary; maximum sal-			Examination, eligibility	1921	318
ary; merit system coverage	1955	580			325
Members, number of appointive	1955	340	Fees	1941	572
"China Clipper"; restaurant and liquor			Foods, concentrates, extracts; in-		
store; bingo game lottery	1949	579	travenous use	1951	578
Chipley, city of; Murphy lands, pur-			Health certificates		
chase	1941	170	Issuance	1941	630
CHIROPODY			Not authorized to issue	1927	130
Acts constituting practice; exemp-			Licenses		
tions	1947	454	Reciprocal; issuance	1943	400
Board of examiners			Renewal		
Applicants for examinations,			Annual	1941	622
qualifications	1951	580	Condition precedent, require-		
Compensation; members	1947	454	ment	1955	360

Subject	Year	Page	Subject	Year	Page
CHIROPRACTIC (cont.)			CHURCHES (cont.)		
Licenses (cont.)			Erected on state property, board authorized to grant permission	1939	284
Renewal (cont.)			Excise tax on utilities; municipalities; exemption	1955	73
Military service	1941	623	Gambling; bingo games	1949	583
Revocation; procedure	1947	452	Lands owned by; leases to individuals, tax situs	1953	208
Marriage license; eligibility to sign health certificate	1947	579	Parsonage, rooms rented; tax exemption	1951	277
Massage registration law, exemption	1945	599	Property		
Narcotics, chiropractic physicians not authorized to prescribe, dispense and possess	1939	312	Held for future use, tax exemption status	1957	179
Physician or surgeon, qualification as, for insurance contract	1945	556	Tax exemption	1909	65
	1949	554		1929	394
Prescription medicine, dispensing of; prohibited	1959	64		1935	56
Removal of tonsils; electrical short wave diathermy; prohibited	1951	579		1939	460
State hotel commission employees, qualification for issuing health certificates; requirements	1949	471		1951	281
Taking of blood from patient for analysis; legal authority	1955	845	Administrative purposes	1947	625
Tax supported hospitals, laboratory service to patients of chiropractors; prohibited	1957	801	Operation of Futch act	1945	319
Vitamin injection, legal authority to administer	1955	845	Taxation, undivided interest	1951	276
CHOCTAWHATCHEE BAY BRIDGE			Salvation Army premises, municipalities; zoning ordinances	1949	488
State road department			Slot machines, operation distance	1935	736
Lease authorized	1937	469	Tangible personal property tax; exemption; intangible	1955	409
Second gas tax to pay bonds, pledged; authorized	1937	470			625
Choctawhatchee river; posting adjacent lands; travel, hunting and fishing free to public	1949	574	Term all recognized churches; meaning construed	1957	272
CHRISTIAN SCIENTISTS			Trust properties, income used for; tax situs	1955	909
School children; compulsory physical examinations, not exempt	1949	294	Utility services furnished by municipalities; tax exemption	1957	303
Workmen's compensation law, services; fees	1949	440	Vacant lots; taxability	1957	797
Church of God; Pathway mutual insurance company; insurance "reciprocal state"; whether violative of insurance law	1957	633			873
CHURCHES					383
See also: CORPORATIONS;			Cigar factory; license tax required	1929	
Specific churches			Cigar workers' benefit year; Florida industrial commission; adoption regulation No. 55	1949	444
Alcoholic beverages			Cigarette tax See: MUNICIPALITIES; TAXATION		
Liquor license for vendor nineteen hundred fifty feet away not prohibited	1937	232	CIGARETTES		
Lot on which church is to be built; proximity of vendor	1947	495	Minors, sale		
Proximity of vendor	1935	314	Licensed cigarette machines by municipalities; liability	1955	379
	1945	630	Violation	1955	379
Measurement of distance	1949	486	Rolling machines, manufacture and sale not prohibited	1931	838
Broadway plan of church financing; tax situs	1957	64	CIRCUIT COURTS		
Building used for commercial purposes; tax exemption	1947	186	See also: CIRCUIT JUDGES		
Catholic church; property, tax exemption	1951	281	Bail bonds; procedure for forfeiture	1947	597
Christian scientists; workmen's compensation law, services; fees	1949	440	Bastardy proceedings; jurisdiction	1947	584
Church of God; Pathway mutual insurance company; insurance reciprocal state; whether violative of insurance law	1957	633	Children		
Corporations; documentary stamp tax; exemptions	1931	396	Child placing agencies, dependent children, commitment; jurisdiction	1955	365
County zoning, liquors and beverages; municipal ordinance	1949	492	Permanent commitment for adoption; jurisdiction	1955	89
			Clerks See: CLERKS, CIRCUIT COURTS		
			Committing magistrates, cases certified; custody of papers	1947	31
			Grand jury witnesses, court order allowing additional compensation	1955	893
			Indictment, subsequent; county court sentence vacated	1951	774
			Judges See: CIRCUIT JUDGES		
			Jurisdiction	1937	124
			Sixteen year old child when information filed in circuit court and prior to petition in juvenile court	1959	197
			Jurors; payment in unlawful detainer suits	1943	130

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CIRCUIT COURTS (cont.)		
Juvenile, commitment to training school upon conviction of crime; authority	1957	850
Minute book records	1921	244
Municipal court appeals; state attorney inactive	1953	17
Official reporters, duties, salaries, etc.	1953	23
Probation violation; criminal court of record; jurisdiction	1949	625
Real estate commission, appeal from orders; jurisdiction	1947	466
Reporters; duties, compensation, etc.	1953	23
State attorney; criminal appeals; responsibility	1951	776
Support of dependents, action; costs, payment	1953	56
Trial jurisdiction in counties having criminal courts of record	1945	218
CIRCUIT JUDGES		
Absence from circuit of resident judge		
Assignment of another; authority of governor	1927	229
Sickness or other inability to hear cases; procedure	1933	515
Additional judge due to increased population; appointment by governor; authority	1939	79
Assignment to another circuit; all powers, etc., of resident judge	1927	229
Candidates		
Party assessment; distribution	1947	84
Special primary; qualification with secretary of state	1949	144
Commission and term of office	1923	67
	1935	675
Issue for full term	1933	515
Sixth circuit	1937	111
Compensation; suspension, during impeachment; effect	1957	161
Counsel, authorized to appoint	1937	111
Court reporter		
Mileage allowed	1931	355
Salary as judge's secretary; payment by county in which judge resides	1947	29
Deficit in appropriation for salaries; payment	1947	24
Disqualification		
Appointment of substitute	1943	108
Assignment of substitute by governor	1945	147
Duties; powers, assignment, special and regular; authority of governor	1949	32
Executive order insufficient for assignment	1939	78
Expenses	1937	113
Office; payment by county or state	1947	24
Travel		
Between cities in home county; mileage; legal requirements	1949	32
County of residence or outside county	1941	14
		15
Funds; payment of salaries	1947	24
Impeachment charges; method of procedure	1931	762
Jurisdiction	1937	124
Juvenile delinquents; supervision	1917	436
Legislator, eligibility for appointment	1945	103

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CIRCUIT JUDGES (cont.)		
Loyalty and anti-communist oaths filed with state comptroller	1949	592
Office supplies, appropriations	1935	673
Probate law; effect of revision	1945	716
Process; service	1947	44
Purported vacancy; commission of governor's appointee; duties of secretary of state	1945	96
Qualification of candidates; special primary; Duval county	1949	144
Retirement		
Benefits; eligibility requirements	1949	74
Chapter 123, F. S.; rights acquired under chapter 38, F. S.; eligibility	1957	560
Investment of fund	1955	623
Salary deduction	1941	16
State and county retirement system, credit for prior service as attorney for certain board or commission; eligibility	1959	94
Voluntary resignation; construction of law	1939	81
Withdrawal; refund of contributions from fund	1947	33
Salaries		
Alleged unconstitutional act	1933	516
Reduction	1957	251
Retirement fund, deduction	1941	16
Sixth judicial circuit	1935	673
Sheriff, authorized to appoint	1937	112
Special primary		
Expense statements, committee assessments, etc.	1947	85
Qualification of candidates	1949	137
		144
Special term; assignment by governor; authority	1925	97
State salary increase; supplementary payments; effect	1951	33
Stenographer for; employment by county commissioners	1927	343
Substitute judge, designation; entry of order of disqualification	1955	918
Term of office		
Constitutional circuit judge	1935	674
Runs from date of filing oath	1917	238
Seventh judicial circuit	1935	675
Twenty-fourth judicial circuit	1931	946
Transfer	1919	76
	1921	104
Traveling expenses	1921	129
Actual and necessary, not limited to \$300 a year	1939	81
Trials and hearings held away from county seat; legality	1955	624
Two rule days per month	1917	469
Vacancies; assignment by governor	1933	516
Voluntary resignation and retirement act, 1939; construction	1939	81
CIRCUSES AND SHOWS		
See also: CARNIVALS; SHOWS OR ENTERTAINMENTS		
Exhibition of animals; license taxes	1943	231
CITIES AND TOWNS		
See: MUNICIPALITIES		
Cigarette tax money See: MUNICIPALITIES; TAXATION		
CITIZENS AND CITIZENSHIP		
See also: ALIENS; DOMICILE; CIVIL RIGHTS		

Subject	Year	Page	Subject	Year	Page
CITIZENS AND CITIZENSHIP (cont.)			CITRUS COMMISSION (cont.)		
American citizen			Citrus fruit		
Alien wife; merit system; entitled employment	1949	154	Containers; regulation	1937	263
Child; naturalization both parents	1949	329	Gift boxes; shipment regulations; authority	1949	265
Electors; foreign born; naturalization and voting registration	1949	89	Federal taxes; telephone bills; exemption	1953	373
Florida residents employed outside state; required to register in person for 1950 elections	1949	120	Florida citrus code, 1949; suits attacking; attorneys' fees for defending	1949	571
Foreign divorce; recognition	1949	78	Funds, maintenance of separate accounts; tax collected on different kinds of fruits	1953	511
Institutions of higher learning; admission without pay; requirements	1949	319	Grapefruit, advertising stamps; consolidation of wording not authorized	1939	571
Insurance agents; license; alien; requirement	1949	534	Inspection, grade and maturity	1935	323
Naturalized wife; admission to tuberculosis sanatorium	1949	419	Inspectors, workmen's compensation	1935	718
Registered nurse, citizen of Great Britain; certificate of registration as trained nurse not lawful prior to final naturalization papers	1949	452	Lease-purchase agreement, authority to surrender; use of proceeds from transaction	1955	594
Widows and heads of family; requirement as to citizenship; exemptions	1949	217	License		
Certificate of proficiency hearing art, prerequisite for examination	1939	300	Dealer's	1945	571
Convicts, restoration to citizenship	1935	699	Continuation	1935	655
Dishonorable discharge from United States army not to bar, qualifications	1933	542	Members, expenses	1935	590
Domicile					589
Entitled to, when	1931	935	Officers and employees; per diem allowance	1955	591
Legal home; definition	1933	540	Powers and duties, promotion and advertising program	1941	635
Moving not necessarily change	1931	578	Recovered bond funds, distribution	1935	709
State of Florida	1931	1036	Salaries and headquarters operation expenses; limitation	1957	818
Eligibility as to state residency	1923	284	Sample cans of juice, advertising medium; powers	1945	736
Homestead, definition, as pertaining to constitutional amendment relating to exemptions, from taxation	1933	542	State senator; eligibility for membership	1947	656
Indians; citizens of state and United States	1933	541	Unpaid excise citrus taxes; enforcing collections	1947	523
Qualification to hold office	1919	299			232
Requirements	1931	857	CITRUS COUNTY		
Restoration	1909	68	Board of administration, authority to complete transaction with re-funding agency	1933	178
	1925	71	Boat taxable; county or state; situs to tax	1949	249
State, welfare care in another state; legal residence not affected	1953	464	Documentary stamp taxes, non-profit cooperative association	1949	256
Time required to attain	1923	272			515
Welfare board, not applicable to employees	1939	428	Florida citrus commission; authority to regulate the shipment of gift boxes	1949	373
Citizenship See: ELECTIONS; NATURALIZED CITIZENS; CITIZENS AND CITIZENSHIP			Juice; sugar added; vending machines tax exempt	1949	263
CITRUS COMMISSION			Racing funds; allocation	1945	390
Advertising			Registration books; time for opening	1947	59
Manager; authority to pay salary	1937	263	Citrus experiment station; incidental funds; use for erection of building	1945	462
Material sent to out-of-state schools; sale	1955	77	CITRUS FRUITS		
Bond			Citrus and other fruit syrups; manufacture and sale	1931	930
Collections; disbursement	1935	598	Dealers, license tax; when not required to pay	1937	558
Dealer's	1945	655	Disposition	1923	147
Continuation	1935	590	Florida citrus code; fees of attorneys defending suit attacking	1949	511
Liability for assessments	1935	588	Florida citrus exchange; insurance; reciprocal	1943	470
Scope	1935	589	Fruit inspection employee entitled to mileage	1939	89
Canners, application of law	1935	593	Growers, license to transact insurance business on mutual plan	1943	471
Casual buyer defined	1935	591			

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CITRUS FRUITS (cont.)		
Immature fruit law, enforcement	1911	55
Juices; when law does not prohibit manufacture	1931	577
Maturity		
Standard	1917	334
State agricultural department may adopt standard promulgated by United States department of agriculture	1915	193
Test required	1917	331
Purity, standard	1921	218
Citrus tree disease; plant board, power to conduct research in foreign countries	1945	642
City officers See: MUNICIPALITIES		
CIVIC ORGANIZATIONS		
County commissioners, donations; county funds	1949	200
Municipalities; advertising funds; donations authorized	1949	207
Tickets distributed; registered electors; drawing; legality	1951	180
CIVIL AND MILITARY COURTS		
See also: COURTS		
Concurrent jurisdiction	1943	495
CIVIL COURTS OF RECORD		
Duval county, compensation of clerk	1959	249
Judges	1931	360
Additional; appointment, confirmation; term of office	1951	56
Appointed by governor to act until next session of senate	1927	151
Candidate for office; filing fee, etc.	1947	90
Commission	1927	151
Private law practice; chancery	1951	56
Reporter	1935	690
CIVIL DEFENSE		
Air raid		
Rules, enforcement; civilian organization	1941	345
Sirens; installation, maintenance	1943	289
Wardens, practice blackouts, authority	1941	342
Auxiliary firemen; compensation; injury or death	1943	287
Civil authorities, enforce rules, authority	1941	343
Contributions; purchase of equipment for fire protection; handling of funds	1957	892
County		
Appropriation of money; authority	1917	160
Defense council, expenses, provision by county commissioners	1941	347
County director, service as deputy sheriff; eligibility	1951	210
Damages and accidents, truck owner, liability in defense work	1941	354
Defense areas		
Armed posse, sheriff's use	1941	354
Highways, power of governor to close	1941	348
Defense training, negro students by white instructors	1941	351
Federal, state, county or municipal officers' dual appointments	1941	94
Housing projects; area of operation	1943	377
Medical expense, defense officer, worker or agency; liability of council	1941	339
Medical officers, liability for treatment in first aid stations	1941	341
Motor vehicles, powers and duties; accepting loan	1941	341

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CIVIL DEFENSE (cont.)		
Municipalities, liability for injuries to auxiliary policemen and firemen	1941	350
Observation tower, expenditure of county funds; county commissioners, authority	1957	324 327
State and county officers and employees retirement system, eligibility of employees of civil defense agency	1959	541
Streets and highways, authority to close	1941	340
Unorganized militia, status	1941	355
CIVIL ENGINEER		
See also: ENGINEERS		
County commissioners to employ, authority	1911	65
Land survey	1947	464
Maps and plats; qualifications to make	1949	458
Civil proceedings; person trained as specialist in public work, qualification as expert witness	1957	17
CIVIL RIGHTS		
Conviction of misdemeanor under federal statute; effect	1945	771
Felony conviction		
Appealed to higher court, effect on right to vote	1957	521
Effect on civil rights	1941	784
Honorable military discharge; effect on lost rights	1945	167
Professional licenses revoked; reinstatement prior restoration	1951	575
Restoration		
Certain cases	1931	769
Convicted for perjury; qualification of juror	1949	74
Felons		
Conviction	1943	505
Foreign state	1951	785
Electors		
Pardon board	1951	101
Qualifications	1943	510
Violation of state or federal laws; conviction by federal courts; disqualification	1951	203
Pilot's licenses; port of Boca Grande	1949	347
Pardon board		
Authority, persons convicted by an out-of-state court or United States court	1955	721
Paroles	1943	505 506 72
Petit larceny, when convicted	1953	
State board of pardons; restoration where federal convictions	1949	625
CIVIL SERVICE BOARD		
Commission; reimbursement; fee to secretary of state	1943	162
Dual offices	1943	161
Masseurs, convictions; moral charge; license revocation	1949	464
Veterans		
Examination, preference points	1945	557
	1951	446
	1953	381
Civilian defense See: CIVIL DEFENSE		
CLAIMS		
Delinquent contributions; unemployment compensation division; Florida industrial commission	1949	445

Subject	Year	Page	Subject	Year	Page
CLAIMS (cont.)			CLERKS (cont.)		
Limitation statutes; payment allowed, etc.	1955	109	Uniform commitment forms, adopted by division of corrections; duty	1957	479
Nonclaim act			CLERKS, CIRCUIT COURTS		
Presented within one year, not authorized to pay otherwise	1939	37	See also: DOCUMENTARY STAMP TAX; ELECTIONS		
Statutory compensation, not applicable to bills	1939	43	Accounting to show certain fees and commissions	1931	557
State, legislature only has authority to appropriate money for claims against	1939	49	Appeals to district courts of appeal, compensation	1957	283
Stuart daily news, claim for publication of delinquent tax list	1933	134	Attorney, payment for legal advice	1935	220
CLAMS			Bond election, poll taxes prerequisite to vote	1927	310
See also: OYSTERS			Bonds		
Closed season not provided	1937	287	Funds realized; disposition	1933	249
Commissioner of agriculture authorized to prevent taking	1937	287			251
Condemned area, arrest for taking and selling	1937	284	Profit or otherwise, not authorized to handle as an independent enterprise	1933	247
Culling, when on natural reef, required	1937	289	Required	1937	42
		290	Validation certificates, signing; fees	1957	305
Shell fish privilege tax to be used as planting fund	1937	588	Branch offices outside county seat, process	1951	43
Water bottoms, leasing and cultivating for growing	1931	390	Bridges, advertising for bids for repairing	1927	323
Clark's burial association; not subject to law regulating benefit associations or fraternal associations	1929	237	Capital cases; commitment form prescribed	1957	677
CLAY COUNTY			Cases certified; county court; filing information unnecessary	1949	36
Attorney's fee, payment by board of administration from sinking funds	1941	428	Certain record books provided by county commissioners	1933	242
Commissioners; authority to zone; certain districts; prohibit sale of beer on Sunday	1949	496	Certificates of separation; recording	1945	107
Constables; no authority to appoint deputy	1949	64	Certified copies		
County foreclosure property; defective title; reimbursement	1949	180	Contract or bond, furnishing without cost, where building subject to materialman's lien; requirement	1959	146
Game and fresh water fish commission; cast nets; confiscation	1949	406	Record in capital cases, make up and deliver to sheriff	1929	299
Homestead exemption; fire control units; hospital for indigents	1949	286	Chemist and doctors, when authorized to be paid certain sum in criminal cases	1927	185
Justice of peace; jurisdiction in criminal cases	1949	64	Circuit judge, when should file qualification papers	1927	364
Supervisors of registration; compensation	1949	101	Collect 2% commission allowed by chapter 17876, not required	1937	92
CLAY, NATURAL			Collection of municipal taxes; powers, duties	1943	200
County property, sale	1949	175	Commissions See: Fees, this heading		
Exchange services; county commissioners	1949	173	Compensation See: Fees, this heading		
Mineral rights, reservation; not within purview of law	1957	615	Comptroller's statement, admissibility, in suit against delinquent, and sureties on bond	1939	25
Clearwater, city of; group insurance, employees	1941	89	Contract without acknowledgment; duty to expunge from record	1945	714
Clergymen See: CHURCHES; MINISTERS			Conviction		
CLERKS			Docket, duties	1945	137
See also: Specific clerks			Fee, county attorney entitled to	1927	330
County candidates for public office; filing fees and party assessment; distribution	1959	534	Corporation law, effect of chapter 11829, on chapter 11997	1927	308
Fees			Costs		
Appellate proceedings, amount	1959	507	Civil cases; deposited in advance, not required	1935	253
Transfer of information to newly created court of record when same originally filed in criminal court of record	1959	193	Fees, when clerk entitled to and when entitled to card index system	1933	248
Fiduciary funds; unclaimed funds paid into registry of court; withdrawal; compensation	1959	523	Habeas corpus action for custody of child; by whom payable	1945	108

Subject	Year	Page	Subject	Year	Page
CLERKS, CIRCUIT COURTS (cont.)			CLERKS, CIRCUIT COURTS (cont.)		
Costs (cont.)			Elections (cont.)		
May be demanded	1925	318	Candidates (cont.)		
No indictment found; construction of statute	1931	464	Oaths, length of time to be preserved	1951	120
County			Placing names on ballots; duties; county superintendents	1947	301 302
Auditor, duties	1915	155	Printing names on ballots, ballot boxes, law construed	1927	333
Indebtedness; eligible officers and employees retirement	1949	193 318	Public office; eligibility; without authority	1953	91
Officers when leaving office should make an accounting to county	1927	333	Qualifications; fees	1943	155
Seat, clerk of circuit court or deputy shall reside within two miles of limits	1933	249	Statements and filing fees		
Tax liens; sale, procedure	1943	200	20 days previous to election, must file	1927	318
Court attendance; payment of per diem	1931	512	Withdrawal; refund of qualifying fee	1945	196
Court registry funds See: REGISTRY OF COURT			Primary		
Criminal cases, when authorized to pay chemist and doctor	1927	185	Candidate		
Death certificate, recording	1953	18	Expense statement must be filed when announcing	1927	323
Decree enforcing lien; recording	1945	155	Name not allowed on ballot	1927	325
Deed; post office address of grantee, recording	1945	107 714	County officers required to be nominated	1927	317
Delinquent taxes			Dates for filing campaign expense statements	1927	320
Adjustment certificates, authority to sell	1929	296	Eligibility to vote	1927	319
Proceeds from collection; distribution, authorized under §2453, C. G. L.	1933	245	Filing fees of candidates	1927	320
Dependent's law; uniform support; payment of fees under	1953	60 62	Giving away pencils, etc.	1927	316
Deposits and fees by retiring clerk, disposition	1933	247	Last day for candidates to qualify	1927	319
Deputy clerk			Oath and filing fee of candidate; duty of clerk to receive	1927	319
Appointment, duties, powers	1943	110	Registration of persons by tax collectors authorized	1927	324
Drafts; acceptance by state treasurer	1941	7 8	Supervisors of registration; nomination	1927	318
Minor, appointment; eligibility	1955	222	Elector, when may have assistance in marking ballot	1927	327
Retirement rights, effect of furlough	1945	205	Eminent domain proceedings; statutory fees	1949	80
Taking oaths and executing papers, should sign the clerk's name by him as deputy	1933	252	Employees		
Witness fee, entitled to	1933	248	Hiring; authority	1949	37
Documentary stamp tax			Insurance premiums; payment of portion authorized	1937	48
Bills of sale	1941	211	Retirement, eligibility; indebted to county	1949	193
Certificates of title			Equipment and supplies, furnishing office	1951	252
Cost, fee; payment	1953	267	Estates probated in other states; recording transcripts	1947	577
Notice of sale, publication; expense payment	1953	267	Ex officio officers of districts; depository accounts, laws governing	1959	555
Requirements	1953	267	Executive committee members; elections; appointments, evidence	1949	140
Documents, certified copies to veterans; furnishing more than one copy	1953	380	Expense statement from candidate; refusal to accept not authorized	1931	499
Domicile, affidavits; recording; cancellation	1949	36 284	Fees	1931	564
Dual jobs; compensation for serving as clerk of county commissioners	1905	194		1947	27
	1921	260		1951	39
	1929	388	Action to abate nuisance, institution by private citizen; flat fee	1941	20
	1951	42	Advance	1919	101
Elections			Appellate proceedings, amount	1959	507
Candidates			Bonds, validation certificates; signing of by clerk	1957	305
Defeated in primary debarred from printing name on ballot general election	1927	331	Certain cases	1925	334
Filing fees; receipts must be issued	1927	322			

Subject	Year	Page
CLERKS, CIRCUIT COURTS (cont.)		
Fees (cont.)		
Certified copies public records to veterans	1949	189
		343
Chapter 11893, application	1927	309
Civil court of record	1955	355
Claims, and	1939	25
Commitment papers, issuance of, accompanying prisoners to correction centers; additional copies	1959	106
Computation; method	1929	309
	1933	250
	1939	32
	1951	249
	1931	489
Construction of statute		
Conviction entries recorded, fees not allowed	1929	307
County judges, same as when services identical	1939	52
County lands, sale	1947	26
Criminal cases		
County court	1955	261
No information filed	1945	104
Declaration of taking proceedings	1943	134
Delinquent tax statements; searches	1933	246
Divorce decrees; making certified copies	1945	106
Earnings in office, additional	1947	27
Eminent domain proceedings	1949	80
Excess fees paid to state or county each year	1939	32
Filing, divorce cases; Duval county	1945	104
Final judgment, certifying copy	1955	355
Financial reports, preparing	1949	189
Flat sum for all services	1941	18
Foreclosure sale	1953	636
Grantee of tax deed, petition filed for possession of real estate	1955	932
Incumbency, earned during; clerk entitled	1933	246
Instruments; recording	1943	113
Collection of fee	1947	26
Intoxicating liquors, seizure and confiscation	1927	314
	1929	307
Judgments, recording	1951	40
Jurors and witnesses, report	1941	19
Military discharges; recording; certified copies	1945	106
		478
Mortgages		
Foreclosure	1953	20
Recording and satisfaction	1947	26
	1953	635
Municipal bonds, entitled to for signing	1927	445
Municipal tax certificates, redemption; recording	1937	44
Murphy act not income of office, under	1939	32
Naturalization, accounting required	1937	41
Notary's bond, approval	1947	133
Order of publication and copies thereof, fees for making	1935	257
Persons convicted of crimes, keeping record	1905	209
	1933	251
Population or local laws; effect	1955	255

Subject	Year	Page
CLERKS, CIRCUIT COURTS (cont.)		
Fees (cont.)		
Port authority; sanitary district	1949	197
Preparing appeals, remain unchanged	1927	317
Prisoner pleads guilty, allowed when	1929	295
Process, mailing	1953	20
Property transfers and suits, list; preparation; office income	1953	168
Recording and filing; due at time of or prior to rendition of services	1933	251
Records; furnishing certified copies to veterans	1945	232
Refunding bonds, validation charges	1941	21
Registry of court See: REGISTRY OF COURT		
Re-indexing records	1927	328
Report of jurors to comptroller, allowed for making; how paid	1931	484
Rule nisi, application; payment	1953	480
Scale provided	1927	454
Sealing; satisfying, etc.	1949	562
Services governing, additional	1951	38
Special or additional	1951	42
Statute, construction	1931	490
Subsurface interests; recording declaration	1945	368
Suit or proceeding, construction in connection	1941	20
Tax certificates	1957	804
Abstracting	1921	135
Cancellation	1939	29
	1947	199
	1957	938
Notation thereon		
Redemption; fee of office, not officer, and must be collected	1933	243
Transfer; fee as included in amount to redeem	1957	702
Tax foreclosed lands, sale	1947	26
Tax liens for application to adjustment board, not authorized for search	1935	255
Taxes on instruments, payment	1953	255
Transporting liquor in court room, when not entitled to	1931	481
Uncollected; procedure	1943	112
Uniform support of dependent's law, payment under	1953	60
		62
Unofficial duties, report not required	1923	288
Validation certificate on bonds	1927	307
Workmen's compensation claims, in suits involving	1937	45
Felony cases certified from county judge's court; custody of papers	1947	31
Fictitious name statute		
Requirement as to corporations	1949	588
Apartment houses	1951	756
Filing and recording, distinction	1941	18
Financial reports; no fee allowed	1949	189
For hire cars, fee for containers for registration certificate	1927	311
Foreclosure sales		
Certificate title, recording and indexing	1953	636
Proceeds, handling and distribution	1953	636

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CLERKS, CIRCUIT COURTS (cont.)		
Futch bill		
Bond acceptance in redemption of lands where tax certificate not two years old; issued upon sale thereof; without authority	1933	243
Interest received under, no authority to transfer	1933	186
Informations, curing error when clerk's seal omitted	1927	327
Instruments		
Acknowledged; entitled to record	1949	562
Filed for record		
Deputy clerk's office; time stamp; recorded when filed	1957	499
Personal signature	1955	90
Improperly recorded from record, duty to remove	1929	298
Recording	1943	113
Fees; collection	1947	26
Intoxicating liquor		
Confiscation	1927	307
Custodian	1929	347
Seized pending trial	1929	175
Judgment lien books, law construed	1939	30
Judgments and decrees		
Entering, recording	1943	114
Recording		
Fees	1951	40
Indexing; requirements	1959	740
Official record book; lien against real estate	1957	119
United States courts; required to record upon presentation	1933	523
Jurors, requisition for payment of; comptroller not authorized to endorse unless made by clerk	1935	256
Lands		
Assessment, in certain cases, procedure necessary	1927	311
County; readvertising and reselling	1947	203
Deed of conveyance; plat recorded, requirements	1949	211
Description for taxation	1927	334
Sales		
Fees	1947	26
Proceeds; distribution	1945	322
Law enforcement officers, outside county, as witnesses; fees and mileage, payment	1957	184
Legal		
Notices, without authority to publish in own paper	1937	47
Sales, effect of war time	1941	1
Lis pendens, recording; fees in connection with	1957	651
Local and population acts relating to fees; effect	1955	255
Mandate supreme court without compensation, not required to file	1933	489
Marks and brands; recording; Holmes county	1949	482
Military leave of absence; acting clerk; appointment of deputies; bond	1943	165
Minors		
Adoption; clerk's records, indexes, dockets, etc.	1955	208
Deputy, appointed; disabilities removed; eligibility	1955	234
Money paid into court, deposit; security of deposit; duties	1959	513

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CLERKS, CIRCUIT COURTS (cont.)		
Mortgages		
Cancellation, separate book for recording satisfaction	1927	307
Fees		
Recording and satisfaction	1953	635
Marginal satisfactions	1939	27
	1941	19
	1957	428
Satisfaction recorded without witnesses	1949	36
Municipal tax deeds		
Delinquent, unpaid taxes, payment as condition for obtaining	1953	237
Special assessment, payment as condition for obtaining	1953	226
Naturalization proceedings; fees		
Accounting required	1937	41
Income of office	1957	648
Nolle prosequi, issuance of commitment; authority	1957	699
Notary public bond; approval; fee; responsibility	1947	133
	1949	163
Official		
Bond, proceedings against	1937	46
Record books, recording of final judgment	1955	519
Orders, recording	1919	293
Peace river valley water conservation and drainage district; tax levy or collection; fees	1959	370
Persons convicted of crimes; fees, records	1905	209
	1955	281
Pinellas county		
Clerk, circuit court, salary; payment	1959	453
Fees received as agent of trustees of L. L. fund and sales of documentary stamps; income of office	1959	453
Political advertising; duty	1949	589
Port authority; sanitary district; compensation	1949	197
Postage charges, reimbursement	1951	37
Powers, duties and responsibilities	1943	110
		111
		114
Primary law, term annual salary or compensation of office sought, defined	1927	314
Professional bondsmen; registration	1949	604
Proof of publication; duty of clerk to record	1947	47
Property liens; entry required; foreign lien book; judgment lien record	1949	35
Proprietary functions, powers and duties	1955	682
Public records		
Certified copy without charge; veterans	1949	343
Microfilm negatives, abstract companies furnished with; public officials, authority	1957	338
Publishing account with tax collector	1921	296
Real estate commission; appeal from order; filing transcript of record	1947	466
Records appertaining to office, disposition	1951	249

Subject	Year	Page	Subject	Year	Page
CLERKS, CIRCUIT COURTS (cont.)			CLERKS, CIRCUIT COURTS (cont.)		
Registration books, when required to be kept open	1927	312	Tax certificates (cont.)		
Re-indexing records under contract; classification of compensation and expenses	1947	167	Transfer; fee as included in amount to redeem	1957	702
Reports required to be made	1927	454	Tax deeds		
Resurvey of platted subdivision; recording	1945	266	Applications, duties	1949	244
Salary See: Fees, this heading			Error in description; correction authorized	1949	214
School board members not authorized to contract for transportation of students	1927	325	Form; issuance of corrective deed	1945	313
Seal; attestation not to include	1949	562	Grantee; filing of petition fees	1955	932
Searches; fees for delinquent tax statements	1933	246	Issuance	1927	323
Senate bill No. 258, duties; effect	1943	111	Authority	1927	445
Sheriffs				1943	309
Entitled to certain fees when returning prisoners from other states	1927	329	Highest bidder	1945	318
Feed bill as preferred claim, authorized to pay	1929	306	Payment of taxes, etc.	1955	51
South Florida conservancy district tax sale certificates; fees for cancellation not authorized	1933	242	Publication of application for issuance, in any newspaper as required by §4901, authorized	1929	305
State			Validity of notice	1941	195
Convention of county clerks, attendance; expenses, payment	1953	19	Tax foreclosed lands		
County offices of trust, constitution prohibits holding two or more	1927	321	Auction; reopening bidding	1945	310
Funds lost in robbery, comptroller authorized to settle account	1933	245	Notice and time of sale	1945	312
Subdivision plat, filing; delinquent tax; duty	1955	72			320
Suit on official bond, method of bringing	1937	46	Tax liens on lands acquired for road purposes, cancellation	1935	254
Support act, uniform reciprocal enforcement; fees, payment	1955	295	Tax redemption fees	1935	252
Tax certificates					257
Balance of payment; bill in equity for determining to whom should be paid	1935	93			258
Cancellation of certain certificates by clerk; without authority	1904	41	Tax sale list, record, and fee for same	1933	242
Erroneous sale, refunds	1941	188	Tax sales record; tax certificates; transfer; recording	1949	239
Issuance; owner and holder mineral rights or interest in tax delinquent lands; disposition by	1959	119	Taxation		
Lands, duties relative; forfeited	1939	29	Construction placed upon	1927	331
Liquidation and cancellation; time limit	1947	215	Enforcement of collection	1927	335
		216	Taxes on instruments as agent for tax collector; compensation	1953	255
		217	Transcripts of record, preparation of on appeal, fees unchanged	1927	317
Marginal notation on books; duty of clerk	1957	804	Transfer of funds under budget law permitted	1929	303
Murphy law, under, not authorized to assign certain	1939	33	Travel expenses and clerk and deputy attending certain meeting; payment authorized	1957	826
Redemption	1927	316	Uniform commitment		
Amount due, error in calculating	1947	218	Custody of division of corrections; use in capital cases; form prescribed	1957	677
Purchased by persons other than owner of land, duties	1939	31	Forms, adopted by division of corrections; duty	1957	479
Rate of interest	1927	309	Validation proceedings; certificate of clerk of circuit court; application of law to state agencies	1957	414
Refund to unsuccessful applicant for tax deed	1941	192	Veterans; certified documents; furnishing of more than one copy	1953	380
Voluntary, amount holder entitled to recover	1941	193	Veterans' separation qualification records; necessity, recording	1945	106
Refunds, when void	1941	198	Voter, when may have assistance in marking ballot	1927	327
Title to land covered; overlooked, duties	1939	510	Voting precinct; determination	1927	321
			Warrant overdrawing budget; personal liability	1939	27
					42
			Warranty deed when property description unintelligible, recording	1943	115
			Witnesses		
			Fees, civil and criminal cases	1927	315
			Nonresident		
			Fees; authority to pay	1927	190
			Per diem and mileage allowed	1927	325
			CLERKS, COUNTY COURTS		
			Compensation	1951	39

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
CLERKS, COUNTY COURTS (cont.)			CLERKS, CRIMINAL COURTS OF RECORD (cont.)		
Palm Beach county; statutes applicable	1949	53	Sentence pronounced in chambers; commitment for imprisonment, issuance; authority	1957	512
Powers, issuance of capias	1945	745	Subpoena and conviction dockets, duties	1945	137
CLERKS, COUNTY JUDGES' COURTS			Weapons, etc., filed as evidence; disposition	1947	33
Absent electors' law, may act for county judge in re	1927	363	CLERK OF COURT OF RECORD, ESCAMBIA COUNTY; REPORT See: CLERK, COURT OF RECORD		
Assistant; county judge; sign non-judicial papers	1949	56	CLERKS OF COURTS		
County judge			Compensation	1931	489
Deputy clerk, acting as, prohibited	1905	154		1941	68
May perform certain duties	1925	326		1951	39
Court of record; Escambia county; compensation	1949	50	Earned during incumbency, clerk entitled to	1933	246
Duties	1925	326	Persons convicted of crime, keeping record	1933	251
	1929	330	Recording and filing by clerk, due at time of or prior to rendition of services	1933	251
Clerical	1921	230	Redemption tax certificates must be collected	1933	243
		361	County commissioners, clerk; compensation	1905	142
Marriage ceremony; not authorized to perform	1931	567	Criminal		
	1947	583	Cases, when clerk authorized to pay to chemist and doctors	1927	185
Marriage licenses, authority to issue	1947	31	Progress docket; cases sent down from circuit court to county court; filing procedure and capias	1949	36
	1949	57	Deposits and fees by retiring clerk, disposition	1933	247
Warrants; no authority to sign	1949	597	Deputy clerk, compensation	1909	58
CLERKS, COURT OF RECORD			Drafts; executed by deputy clerks, payment by state treasurer	1941	8
Fees	1927	309	Duties, furnishing copies of records to parole commission	1941	788
Escambia county	1949	50	Registry funds See: REGISTRY OF COURT		
Search at request of county attorney	1941	22	State convention, attendance; expenses, payment	1953	19
CLERKS, CRIMINAL COURTS OF RECORD			Clinic; prisoner, movement to and from for treatment, fees and mileage	1957	147
Absentee docket, cases removed from active docket; clerk, authority	1957	520	Closed season See: CONSERVATION, BOARD OF; GAME AND FRESH WATER FISH COMMISSION; SALT WATER FISHERIES		
Bond, requirement	1931	317	Club plan and rules; constitute lottery	1937	623
Candidate; time for qualifying	1945	199	CLUBS		
	1947	91	Alcoholic beverages See: ALCOHOLIC BEVERAGES AND LIQUORS		
Certain confiscated liquors, custodian	1927	307	Corporations		
	1931	468	Foreign; use of the word in name; eligibility	1955	719
Commitment			Use of word "club" in corporate name	1957	446
Form, legal sufficiency of; procedure in issuing a commitment	1957	749	Hotel inspector's license, meals served not subject to	1915	224
Issuance of; procedure; sheriff's return on execution, etc.	1957	667	"Low-Twelve Club benefit fund"; insurance regulatory laws, exemption	1951	644
Compensation	1919	302	Meals served; country club, to members only, license requirement	1955	478
Applicable law; Escambia county	1949	50	Motor vehicles See: MOTOR VEHICLES		
Broward county; flat filing fee	1949	50	Personal property, subject to taxation	1915	261
Civil court of record, same as	1937	49	Private, massage department; inspection; massage board, authority	1953	505
Jurors and witnesses; report	1941	19			
Officer's report; filing	1941	120			
Same as clerks, circuit court	1949	42			
Documentary stamps, obligations to pay money, required	1931	504			
Execution for fine and costs when defendant has been sentenced, form	1957	649			
Information or indictment; furnishing copy to defendant after conviction	1947	607			
John Doe witness subpoena, issuance; investigating probable criminal violation; validity	1957	638			
Judge of some other criminal court of record only can be assigned to hold court if judge disqualified	1927	133			
Modification of previous sentence; subsequent new sentence; commitment; duty	1957	399			
Nolle prosequi, entered upon payment of court costs; commitment, issuance; clerks' authority	1957	462			

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
CLUBS (cont.)			COLLIER COUNTY		
Social; plumbers and fitters; tax liability	1951	282	Bond issue; county board initiate petition	1949	309
Tampa Civitan; parade, hooded gowns; permissible	1951	757	Seining, prohibition	1947	406
Use of word in corporate name; legality	1945	660	Special deer license fund; use for restocking	1945	646
	1951	637	Taxes, methods and compensation for payment	1923	128
	1957	780	Colon-therapy; examination; pre-requisites for practice	1947	452
Woman's club, donation of county fund, validity	1951	231	Colonial Sugars; promotional scheme; whether violative of lottery law	1959	195
Coach; athletic, authority board of control to contract with	1941	335	Colonic irrigations; masseur permitted to give; practice of medicine does not include	1949	463
COCK FIGHTING			COLUMBIA COUNTY		
See also: GAME COCKS			County attorney; additional compensation for additional legal services; legality	1957	131
Rapiers, armed with; legality	1953	652	Railroad assessment board, assessments made; change by board of equalizers, without authority	1957	661
Sharpened or artificial spurs, when not equipped with; cruelty to animals; legality	1955	1	School building; construction; H. B. No. 1224, 1949, effective 1949-50 school term	1949	308
Training cocks, legality	1941	761	Commercial air line pilots See: AIRLINE COMPANIES; AIRCRAFT		
Cocoa Beach, town of; submerged lands, procedure for purchase, for public use	1957	434	COMMERCIAL FEEDS		
Cocoa, city of; alcoholic beverages, vendors; number of licenses issuable	1947	501	Analysis		
Coffins; merchant not required to pay undertaker's license	1931	704	State chemist's certificate, admissibility in evidence	1913	144
Coin-activated pool table; minors prohibited from engaging in game on miniature tables; penalty	1957	689	Tag, form	1935	781
COIN OPERATED DEVICES			Beet pulp subject to law	1929	252
See also: SLOT MACHINES			Dog food, application of law	1937	267
Alarm clocks; public use; tax situs	1953	279	Inspection stamps becoming damaged; rule	1915	204
Automatic laundry washing and drying machine, coin operated, license requirement	1959	404	Interpretation of law	1929	254
Body slenderizer, operators; occupational license tax; requirements	1959	253	Manufacturer's name required on tag	1937	268
Certain machines, operation prohibited	1937	618			270
Citrus juice machines, tax exempt	1949	233	Private formula, collection of inspection tax on	1931	336
High score			Sale	1933	561
Free game awards; violation of gambling laws	1953	659	Shipments in interstate commerce; inspection fees	1937	271
Prizes, legality	1951	739	Special formula, registration	1931	337
Minors, operation by; legality	1953	659	Tag or label	1935	719
One-ball machines; legality	1949	581	Wet brewers' grain as coming with in definition	1937	267
Pintball machines		582	Commercial fertilizers See: FERTILIZERS		
Free game; legality	1949	270	COMMERCIAL FISHERMEN		
		585	Gasoline tax refund, method of making	1953	291
		740	Helpers; fishing license, exempted	1951	506
High score, free game awards; violation of gambling laws	1953	659	Commercial fishing See: FISH AND FISHING		
Minors, operation; legality	1953	659	Commercial paper on automobiles; intangible personal property tax	1933	51
Public toilets, hotel and restaurants, requirement	1953	517	Commercial vehicles See: MOTOR VEHICLES		
Cold storage meats; inspection and examination of imports from points without the United States; livestock board, authority	1959	5	Commissary; license tax, required to pay	1937	560
Collateral agreement forms; documentary stamp tax	1941	212	COMMISSIONER OF AGRICULTURE		
Collection agencies; license tax	1931	261	Agricultural enumerators; expenses of printing blanks and salary payable from certain funds	1931	345
		744	Arsenic; law construed as to use	1931	338
Collection of revenue See: REVENUE			Birds and eggs, collection, for scientific purposes; certificate, requirements	1905	78
College of forestry; appropriation; use of unexpended balance	1947	351	Bread with artificial coloring, when sale prohibited	1937	278
Colleges and universities See: STATE UNIVERSITIES					

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
COMMISSIONER OF AGRICULTURE (cont.)			COMMISSIONER OF AGRICULTURE (cont.)		
Bureau of inspection			Grove products; producers exempt from license tax	1931	344
Commission of inspector to cover period fixed by appointment	1939	326	Indictment, transmittal; by clerk	1945	763
Egg law when sales to army or navy posts; no authority to enforce	1939	326	Insecticides and fungicides, registration; required	1939	544
Fertilizer inspection; drawing of samples by noncommissioned inspectors	1939	327	Inspection fee		
Inspectors			Commercial feed stuff mixtures, subject to	1931	336
Governor authorized to appoint	1927	214			337
Salary requisitions approved by supervising inspector and commissioner of agriculture	1927	129	Fertilizers, waiver	1941	704
Watermelon seed; certification	1939	323	One eighth cent on gasoline not authorized	1931	343
		325	When kerosene not subject to	1931	338
Buttermilk			Inspectors		
Specific class, tag must show	1931	344	Appointment	1927	214
State where produced, not necessary to show on label	1931	341	Bureau of inspection shall have requisitions for salary approved by	1927	129
City convicts or prisons, no power or authority for	1939	535	Commission of inspector to cover period fixed by appointment by governor	1939	326
Clams, authorized to prevent taking	1937	287	Milk or cream		
Clerk, salary	1923	103	Sale; authority to prohibit in certain cases	1931	346
	1925	169	Transportation; without authority to interrupt	1931	346
Commercial feed stuff mixtures			Oil, food, drug and fertilizer	1923	106
Certain rules and regulations not enforceable	1931	345	Kerosene, inspection tax, collection; not required in certain cases	1931	338
Inspection tax required	1931	336	Kokanut-Kreme, sale; prohibited under frozen desserts law	1939	540
		337	License tax		
Private formula, collection of inspection tax	1931	336	Dealers of milk or cream required to pay	1931	346
Registration of special formula required in certain cases	1931	337	Producers of farm and grove products exempt	1931	344
County convicts; separation of races in work squads	1947	612	Orders, etc., without authority to issue	1923	147
Cream or milk			Printing contract	1923	147
Duties; construction of law	1931	342	Prisoners		
Inspectors			Cash payment, authorized upon discharge only	1939	552
Interruption of transportation; not authorized	1931	346	County commissioners, prisoners to work under supervision	1929	350
Sale; prohibition in certain cases; authority	1931	346	Gain time	1939	537
License tax required of dealers	1931	346	Hours of labor, rules and regulations	1939	534
Supervision of milk; private schools, state institutions	1947	473	Quarterly bulletins, chemical analyses not required to be included	1921	210
Dairies and milk plants; jurisdiction	1947	472	Rules and regulations, authorized to promulgate; gasoline and oil	1937	272
Dairy inspection act; rules and regulations, authorized to promulgate	1931	340	Salaries, authority to pay under \$20, chapter 14762	1937	277
Egg law			Seed law; enforcement, registration, fees, etc.	1947	524
Duties under	1937	269	Semiannual bulletin, authorized to print	1923	152
Enforcement, when sales to army or navy post made on lands United States jurisdiction; without authority	1939	326	Standard for mature citrus fruit as promulgated by United States department of agriculture, authority to adopt	1915	193
Expense, bill to be approved	1923	170	State		
Farm products; producers exempt from license tax	1931	344	Chemist under direction	1923	170
Fertilizers			Marketing and cooling plant; bonds issued	1935	784
Inspection, drawing of samples by noncommissioned inspectors	1939	327	Traveling expenses not paid from fund of food and drug act	1917	275
Labeling	1949	504	Vouchers, approval	1919	186
Shipments; samples drawn; when interstate character lost; state officers, authority	1931	340	Commissioner of insurance See: INSURANCE		
Gasoline			COMMISSIONERS OF DEEDS		
Inspection tax			Appointment for other states	1917	108
Exemption of one eighth cent not authorized	1931	343			
Liability	1927	208			
Tax, collection of one eighth cent on sales to United States government	1927	215			

Subject	Year	Page	Subject	Year	Page
COMMISSIONERS OF DEEDS (cont.)			COMMITTING MAGISTRATES (cont.)		
Governor authorized to appoint one or more in each state or foreign country	1929	185	Fees	1935	218
Oath, taking; fees	1933	628		1937	126
Seal, form	1935	760	Persons pleading guilty, failure to commit	1937	127
Commissioners of state institutions, board of See: BOARD OF COMMISSIONERS OF STATE INSTITUTIONS			Preliminary hearing, discharge of accused; duty of county to pay cost	1953	691
COMMISSIONS			Commodity credit corporation; documentary stamp tax; promissory note; liability	1933	38
See also: BOARDS, COMMISSIONS AND AGENCIES			COMMON CARRIERS		
Bond trustees	1923	73	See also: RAILROADS AND COMMON CARRIERS		
Cancellation, issuance through mistake	1947	132	Foreign carrier; certificate issued to engage in intrastate operation; effect upon reciprocal agreement involving interstate operation	1959	65
Circuit judge	1923	67	Private; allowed 16,000 pounds load weight	1931	960
Governor			Refrigerated transport company, foreign state; fourteen states reciprocal agreement; intrastate certificate requirements	1959	65
Appointees to office; issuance of certain commission by secretary of state, authority	1955	8	Common labor; appropriations act; term defined	1959	207
Issuance	1943	95	COMMON LAW MARRIAGE		
Period fixed	1939	326	See also: MARRIAGE; HUSBAND AND WIFE		
Power to withdraw	1945	781	License procured after; change to legal marriage; procedure	1943	488
Insurance agents, surrender to employer	1941	724	COMMON LAW RULES		
Issuance, oath, tax, etc.	1947	127	County judges' courts; not applicable	1949	31
Justice of peace, issuance	1923	82	Supreme court; bail bond forfeiture; special statutory proceeding	1949	603
Notaries public; endorsement of date of expiration	1947	132	COMMON LAW TRUST		
Probation officer; issuance by governor	1945	548	Certain agreements; constitutes a declaration of trust	1955	669
School taxes, assessing and collecting, computation	1941	175	COMMUNISM		
Secretary of state, preparation; ministerial duties	1945	96	See also: OATH		
Sheriff, when appointment expires	1927	396	Communist party; candidates, method by which barred from ballot	1941	78
Tax assessors	1941	176	No statute relating to	1935	756
		177	Community centers; bingo games, free prizes; violation of lottery laws	1953	668
		178	Community chest; ad valorem tax moneys; contribution for welfare purposes; county commissioners, without authority	1949	175
		179	COMMUTATION OF SENTENCE		
	1943	213	County judge, when not authorized	1929	179
		214	Sheriff, procedure	1927	385
		215	Compensation See: Specific head or officers; FEES		
Payment; authority	1927	424	Competitive bids See: BIDS		
Tax collectors	1941	155	COMPROMISE		
		176	Accounts owed to county, authority of county commissioners to enter into agreements	1959	582
		177	Alcoholic beverage violations; beverage director, authority	1953	557
		178	COMPROLLER		
		179	Advertising		
	1943	213	Delinquent taxes; charges	1931	265
		214			286
		215	Rate fixed by chapter 12215	1927	198
Deductions	1943	215	Air line transportation; deposits to secure discount authorized, paid from collection of revenue	1939	527
Vacancy in elective office; term of appointment	1945	404	Alleged unconstitutional act, may withhold salaries under	1933	516
Woman elected to office after change in name by marriage subsequent to election, issuance	1929	194	Appropriations bill		
COMMITMENTS			Certain provisions; construction	1931	272
County jail sentence; procedure in issuing a commitment	1957	749	Unexpended balance, construction	1931	315
Florida state hospital; insane women eligible as Jane Doe	1949	421			
Forms, legal sufficiency	1957	749			
Issuance, when unnecessary	1931	566			
Tuberculosis; enforcement proceedings; county judges; entitled fees	1949	58			
COMMITTING MAGISTRATES					
Costs	1931	617			
County judges					
Fees	1949	58			
		619			
		620			
Preliminary hearings in criminal cases; trial jurisdiction	1953	689			

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COMPTROLLER (cont.)		
Attorney retained to collect estate taxes; retirement system, eligibility	1947	124
Banks		
Closed banks		
Claims must be sworn to and filed with liquidator	1931	265
Liquidation of accounts; counties and municipalities, rule of set-off	1931	267
Statute of limitations against stockholders, when begins	1931	288
Defunct, if certain claims are preferred	1927	204
Legal reserve, method of computing as required by law	1927	179
Preferred claim against, certain party would not have when closed	1927	191
State banks		
Rediscount its paper or borrow money, authority	1931	294
Withdrawals by depositors, authorized to limit	1931	288
Statute of limitations governing liability of stockholders	1927	193
Stocks; owned by nonresident, tax situs; construction of law	1931	315
Barbers' examiners; amount in fund over amount impounded, release	1939	226
Barbers' sanitary commission		
Bills incurred by old board; without authority to pay	1939	228
Salaries of employees under old barbers' examining board; authority to pay for month of June	1939	227
Board commissioners state institutions, transfer of money from one fund to another	1927	188
Bonds; right to exercise discretion as to type required	1939	75
Broward county port authority, audit	1935	785
Building and loan associations		
Amendment of 1927 not retro-active	1927	166
Authorized to wind up affairs	1929	225
Cancellation of dividend checks, when two or more years old	1939	530
Funds, receiving on straight deposit account basis authorized	1931	298
Interpretation of law	1927	177
	1931	282
	1927	170
Security for loans		
Taxation applicable, method provided	1927	192
Withdrawing members, law binding	1931	274
Certificate of deposit acquired under provisions of chapter 15874, acts 1933, authorized to surrender	1933	304
Certified statement, admissible in suit against delinquent clerk, and surties on bond	1939	25
Chain store act, subsequent law repealed	1931	282
Chain store license tax		
Additional tax; collection; powers	1943	228
Penalty applies to years 1931-32	1931	279
Unenforceable, power to refund	1945	341
Chair of Americanism and southern history, etc.; construction of chapter 12442	1929	196

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COMPTROLLER (cont.)		
Chapter 12295; construction	1927	188
Citrus excise taxes; enforcement of collection	1947	232
Clerk		
Circuit court; tax certificates, transfer and assignment; interpretation of law	1931	271
Criminal court of record; bond requirement	1931	317
Collection agencies; license tax	1931	261
Commissioner of revenue; estate taxes; costs and expenses, payment	1931	293
Costs taxed by federal court, payment	1941	799
County funds		
Expenditure by noncounty agency, association or corporation; duty	1955	657
Method of handling	1931	308
Supplement of \$366, 146.83; authority to pay	1939	218
Transfer; approval	1935	229
County retirement system expenses; use of unexpended balance of appropriation	1945	262
	1947	168
County school fund, payment of monthly installment of \$1, 264, 766.32	1939	217
County warrants should be deposited with various depositories	1927	194
Court decision; without authority to adjust past tax assessment to conform	1939	475
Credit unions; shareholders, release of names and shares owned, etc.; legality	1959	393
Dade county grand jurors; mileage expenses, payment authorized	1957	670
Delinquent taxes		
Flood control taxes; publication of lists	1931	256
List; printing; charges allowable	1931	265
		286
Redemption; construction of statute	1931	278
Sale of land in Everglades drainage district, court opinion	1931	297
Dividend check, without authority to reissue until creditors paid	1937	18
Estreated lands, without authority to settle judgments	1939	529
Federal funds; transmittal to county; method	1945	465
Five funds act; administration; operative date	1945	101
Forestry board, purchase of lands; issuance of warrant	1945	653
Funds, transfer		
Appropriated for tuberculosis board; authority to transfer	1937	487
Surplus gasoline tax funds, transfer from county school fund to general revenue fund; powers	1941	231
Treasury; no authority to transfer by warrant	1917	252
Gasoline		
Gas tax		
Collection; without authority to enter into contract	1933	78
Distribution; duties	1939	434

Subject	Year	Page
COMPTROLLER (cont.)		
Gasoline (cont.)		
Gas tax (cont.)		
Liability	1927	164
House bill No. 1161; construction	1927	173
Incoming treasurer; receipt; form	1943	104
Jurors' fees, requisition	1935	279
Endorsement by clerk, circuit court required	1935	256
Lands		
Owned by county when tax accrued prior to vesting title; authority to cancel tax certificates	1939	514
Procedure when sold or certified to state	1927	189
Release from lien; without authority	1937	540
Lease of houses for university teacher, issuance of warrant	1945	435
License tax law, enforcement	1935	13
Lunacy proceedings against state convicts; recovery of costs by county	1947	47
Milk control board, authorized to pay expenditures	1937	353
Newspapers, claims; for publishing laws	1931	299
Old age assistance; state welfare board	1943	372
Pension; revocation; authority	1933	586
Preferred claims, extent of participation	1931	274
Property acquired by county for park purposes; authority to cancel tax certificate	1933	117
Public officials, bonds of; cancellation prior to expiration of term designated	1957	709
Public utilities, relocation; reimbursement of costs; duty when auditing claims	1959	126
Race track moneys; distribution; Pasco and Union counties	1939	554 555
Railroads and telegraph lines, taxes; apportion to reincorporated municipality	1947	220
Receivers, powers	1927	170
Royal Palm state park; manner of disbursing appropriations	1945	455
School board, promissory note given by; eligibility	1931	311
Securities, additional may be required of counties	1927	176
Sheriff's reports; filing; requirements	1957	429
Small loan business		
Confidential records; public inspection	1957	88
License, authority to refuse	1929	232
Social security coverage; state and county retirement system; administration	1957	538
Special road and bridge district, if authorized under the law to sign certain agreement	1927	161
State building fund; duties	1945	447 463
State employee, voucher for last illness and burial; payment	1947	446
State, financial situation, priority of claim	1927	198

Subject	Year	Page
COMPTROLLER (cont.)		
State officers and employees travel and subsistence expenses, auditing of claims; powers and authority	1959	549
State's attorney, authorized to certify; require collection of defaulting official's bond	1933	198
Statutory revolving funds; duty in auditing vouchers and receipts	1945	96
Tax assessments, without authority to adjust past to conform to court decision	1939	475
Tax certificates		
Cancellation; when authorized	1929	198
Owned by state, without authority to waive interest	1939	504
Sale; refund; authority	1933	116
	1941	196
Void; money to be refunded	1937	591
Tax sale list; claim, no authority to pay certain	1931	297
Taxes		
Adjustment; method	1927	182
Disbursement to special road and bridge districts	1927	172
Personalty of railroads, assessment and distribution	1927	172
Special tax school district, assessment and collection	1927	179
Teachers' retirement; federal internal revenue lien; withholding of benefits or withdrawals; comptroller, duty	1959	173
Tire and tube dealer, what constitutes	1927	186
Travel bureaus; motor transportation mileage tax act, construction	1931	294
Trucks and buses; mileage tax, construction of law	1931	292 309
Trust company, if bound by provisions of S. B. No. 286	1927	176
Unauthorized interest; award in arbitration; honor voucher or issuance of warrant; without authority	1957	526
Unlawful disbursements, duties	1933	614
Valuations		
County tax purposes; authorized reduction; authority and jurisdiction	1957	418
Fixed by tax; without authority to change	1933	115
Warrants		
Cancellations; accounting method	1951	28
Duplicate, responsibility; bond	1943	98
Expense of issuing; authority to pay	1939	1
Guardian of dependent children, issuance	1937	493
Issuance		
Authority	1923	166
Person designated only; procedure and endorsement	1939	551
Legislative expense, house members, issuance	1945	87
Lost, payment procedure	1941	9
Payable jointly to St. Augustine historical preservation and restoration association and city of St. Augustine	1939	4

Subject	Year	Page	Subject	Year	Page
COMPTROLLER (cont.)			CONSERVATION, BOARD OF (cont.)		
Warrants (cont.)			Employees, military leave of absence	1941	98
Person designated by deceased pensioner to receive	1939	550	Fire fishing regulations; constitutional authority	1949	409
Purchase of land; issuance	1943	99	Fisheries research, appropriation; use	1953	435
Sculptor for memorial statue, issuance	1943	298	Fishing boats		
Secretary of state should return to comptroller	1931	296	Lake Okeechobee; licenses	1945	514
Welfare board; official bond; without authority to sign	1937	498	Length	1941	496
Concealed weapons See: FIREARMS AND WEAPONS			Nonresident; licenses	1947	400
Conch shells; dealer's license tax	1939	494	Fishing camp operators, boats for rental; licenses	1953	639
	1941	498	Fishing devices; salt and fresh water; regulations; jurisdiction	1951	502
Concrete mixers; motor vehicle chassis, mounted on; tax situs	1955	895	Flood control fund, disbursements; approval, authority	1951	517
Condemnations See: EMINENT DOMAIN			Fresh and salt water; lines of demarcation	1945	513
Conditional sales contracts See: SALES			Game and fresh water fish commission See: GAME AND FRESH WATER FISH COMMISSION		
Confederate pensions See: PENSIONS			Game wardens; arrests; mileage fees	1943	332
CONFEDERATE SOLDIERS' AND SAILORS' HOME			Geological survey		
Endowment funds, investment	1941	325	Agreement with well drilling contractor's association	1947	401
Scholarship fund, status	1941	325	Appropriation	1937	12
CONFEDERATE VETERANS			Division; funds from publications	1949	409
See: VETERANS			Licenses		
Pensions See: PENSIONS			Boats operating outside territorial waters	1941	496
Confessions; extra-judicial	1941	774	Fees illegally exacted		
Confidential records; small loan businesses; public inspection	1957	88	Refund by board	1941	500
Confiscation; meats, cold storage; inspection of imports from points without the United States; livestock board, authority	1959	5	Refund by comptroller	1941	5
Conflict of law; justice of the peace, disposition of docket books upon resignation or removal	1939	51	Seafood dealers		
Congenital cataract; treatment	1935	502	Definition	1941	501
Congress See: ELECTIONS			Law governing	1941	503
CONSERVATION, BOARD OF			War veterans, exemptions	1941	499
See also: CONSERVATION DEPARTMENT					500
Agents			Wholesale seafood dealers selling from trucks	1945	516
Arrests; convictions			Loggerhead or green turtle, taking; closed season; regulations	1951	515
Fees	1949	398	Manatee or sea cow, taking and possession		
		399	Permit		
		404	More than one in state; authority	1957	707
Powers	1955	172	Requirement	1951	517
Resisting	1953	442	Motor vehicles; purchase	1941	117
Safety law; motorboat safety law; enforcement; authority	1941	494			118
Searches and seizures; powers and duties; posted property	1959	327	Motorboats, registration certificates for pleasure boats, issuance; authority	1959	277
Warrants and subpoenas, authority to serve	1949	570	Mullet		
Biscayne Bay; water survey and research; federal projects; Dade county	1949	399	Bait only; closed season; rules and regulations	1949	409
Certificate, forms; boat and fishing license; nonresident; furnishing	1949	408	Closed season		
Closed season	1951	512	Opening; authority	1945	512
Lake George, fishing on; no authority to shorten season	1939	287	Use in war effort	1943	338
Mullet caught in another state; applicability	1947	408	Season, regulation	1941	505
St. Johns river; fishing on; no authority to shorten season	1939	287	Seizure and sale; disposition of proceeds	1945	517
Shad; no authority to change with reference	1939	287	Nets or seines		
Conch shells, dealers' licenses	1939	494	Force trap nets	1943	335
	1941	498	Gill nets, size; regulation	1941	505
Coon oysters, regulations	1941	497	Illegal, disposition upon seizure	1941	506
Dry Tortugas, jurisdiction over shrimp grounds	1949	413	Legal size	1941	506
			Seines; maximum length	1947	409
			Seining in certain waters of Collier county; legality	1947	406
			Officers See: Agents, this heading		

Subject	Year	Page	Subject	Year	Page
CONSERVATION, BOARD OF (cont.)			CONSERVATION DEPARTMENT (cont.)		
Oil and gas; permit and fee to drill test well	1945	513	Geological department, funds for operation; source	1933	507
Oysters See: OYSTERS			Hunting See: HUNTING		
Purse seines, use	1941	497	Judgment incurred in discharge of duty, method of relief	1933	506
Salt water fish			Lake Istokpoga, authority to regulate fishing	1939	330
Brought into Florida for processing and shipment	1943	333	Legislator, as employee in department, such member assisted in creating; authorized	1933	507
Confiscation and arrest; court fees	1953	433	Mullet		
Fresh waters; jurisdiction	1951	511	Construction of law	1937	282
Illegally possessed; confiscation; search and seizure without warrant, disposition	1941	495	Legal length	1937	283
Legally taken; authority to limit size	1949	408	Special permission to catch	1937	282
Transportation without official permit tag; disposition	1953	440	Taking and transporting	1937	282
Salt water fishing; validity of law	1939	288	Oysters See: OYSTERS		
Seafood dealers and fish boats; licenses, requirements; county commissioners engaged in	1951	509	Paper mill, permit; no authority to require	1937	296
Seismic exploration, rules and regulations; authority	1951	512	Shell fish privilege tax to be set aside as planting fund	1937	588
Shellfish			Shrimp		
Appropriations abolished	1949	413	Closed season, method of taking	1937	298
Open season; extension	1943	339	Taking, no authority to prohibit	1937	297
Shrimp boats			Shrimp boats, operation in Atlantic ocean	1937	297
Leased, unregistered; operation by residents; legality	1945	511	Warrant, execution by officers	1937	345
Nonresident			Conservator of banks See: BANKS AND TRUST COMPANIES		
Reciprocal agreement, rights under	1947	409	Conservators of peace See: SHERIFFS; CONSTABLES; Peace officers under MUNICIPALITIES; JUDGES		
Revocation of license	1945	514	CONSTABLES		
Shrimp, minimum size	1947	407	See also: JUSTICES OF PEACE		
Speckled trout; definition; closed season	1947	406	Alcoholic beverages, sales, contrary to law; search with or without warrant; authority	1904	61
Sponges			Appearance bonds; approval; statutory authority	1947	597
Commercial, size	1941	507	Appointment		
Diving equipment, taking, with	1943	334	Acting	1949	570
Seized in Taylor county, disposed of by court order	1949	407	Deputy sheriff, as; legality	1941	54
United States supreme court; tideland decision; sponge fishing industry; state regulations	1949	410		1953	41
Submerged lands, ownership and control, powers re	1959	583	Justice of peace districts abolished; effect	1937	50
Test wells, permits to drill; fees	1945	513	Special	1921	270
Trout season, regulation	1941	508			380
Turtles, shipment	1941	509	Vacancy; Franklin county	1949	367
University of Miami marine laboratory; contract between; appropriation	1953	435	Arrests		
Wholesale seafood dealers			Authority to make	1927	383
Definition; license	1947	408	Bail bond	1935	270
License, canneries; liability	1945	516	Certain cases; authority	1927	376
Packaged seafood; number required	1949	412	City ordinance, violation; acting outside own district	1949	599
CONSERVATION DEPARTMENT			Fees, court attendance		
See also: CONSERVATION, BOARD OF			County judge's court	1951	62
Advertising fund for world's fair, authorized to expend	1937	631	Justice of peace court	1951	62
Agents, enforcement of traffic regulations; without authority	1933	508	Highway patrolmen; fees	1949	367
Appropriations; consolidation	1933	385	Misdemeanors, beyond jurisdiction; authority	1951	762
Confiscation and sale not authorized	1933	506	Outside of district, authority to make	1937	51
Crawfish under one pound, possession prohibited	1939	330	Prisoner; disposition	1945	743
Dealer's license	1935	651	Salt waters of Broward county; fish law violations; authority	1953	438
Employees	1933	507	Traffic violations; limitation	1951	456
Fish, contraband, search and seizure by officers	1937	346	Without warrants		
Fishing See: FISH AND FISHING			Appearance bond, acceptance; county not liable for fees	1957	219
			Territorial jurisdiction	1945	742
			Authority	1927	384
			Bail bonds		
			Approval	1943	495

Subject	Year	Page
CONSTABLES (cont.)		
Bail bonds (cont.)		
Approval (cont.)	1949	44
		600
		604
	1955	28
Without authority	1921	397
Revenge laws; authority to enforce; certain exceptions	1949	68
Bonds		
Commission, necessary procedure	1931	476
Fine and cost bonds; approval	1947	597
New bond	1931	963
Right to take and approve	1929	245
	1945	116
Budget appropriation, payment beyond, not authorized	1935	276
Chief of police, eligibility to serve	1947	625
Collection agency, not authorized to act	1931	619
Convicts; trusty; utility work in office	1943	511
Coroner's jury required to direct warrant	1929	310
Costs	1927	338
	1931	617
Returning prisoner from another county; entitled to	1931	637
County judge's court; powers as executive officer	1945	132
		139
Crimes of public nature; costs, collection by justice of peace; without authority	1959	70
Criminal investigations	1943	119
Fees; approval	1949	48
Criminal procedure act; witness fees and mileage in criminal cases, not authorized	1939	88
Defendant convicted in circuit court, no authority for custody	1929	311
Deputy		
Additional appointment; Broward county, authority	1951	61
Appointment	1917	422
	1927	340
	1941	50
	1945	146
		147
Constitution; local bill, violation	1949	64
		68
Generally	1949	64
		68
Unauthorized deputy, county not liable for salaries, fees or expenses	1957	320
Deputy sheriff		
Eligibility of constable to serve as	1927	118
		339
	1945	121
	1949	62
Vested authority to arrest constable	1949	599
Election See also: ELECTIONS		
Method	1925	315
Nomination	1949	100
Equipment, purchase of by county; without authority	1959	10
Expense; out-of-state travel; returning prisoner	1947	38

Subject	Year	Page
CONSTABLES (cont.)		
Fees	1921	394
	1931	504
		505
		520
		630
Appearance bonds, approval; criminal cases	1949	44
		600
		604
Arrests	1947	163
Highway patrol officer, by	1953	28
Appearance bond, capias		
issuance after; service	1953	409
Outside county; mileage	1941	50
		52
Territorial limits	1949	72
Validity of warrant	1945	740
Bail bond, approving	1943	495
Certain cases	1907	184
Collected, paid in to county treasury	1935	276
Commitment of prisoner to jail		
	1933	266
	1945	118
		146
	1947	39
Commitments and release in criminal court of record	1939	66
County court; attendance	1945	138
		139
County judge's court; attendance	1945	132
		133
		139
Court attendance	1941	53
Criminal		
Cases, approval of appearance bonds	1949	44
		600
		604
Investigations	1943	119
	1949	48
Warrant; execution	1933	273
Entitled to, same as sheriff	1927	339
Fines and cash bonds; collection	1953	716
Fingerprinting prisoners	1945	112
General	1907	184
	1923	271
	1941	50
	1947	38
		162
Going outside of district and county for prisoners, eligibility	1927	337
Highway patrolman; arrests; constables not entitled	1949	367
Laws governing	1927	337
		338
Mileage expense	1927	339
	1931	998
Payment; method	1925	345
	1927	376
Prisoner's release	1945	146
	1949	72
Process		
Certain; service	1927	375
Service of, and return of prisoners		
	1927	339
Questions answered	1931	505
Returning prisoner to district for trial	1927	131
Statute, construction	1931	504
Taking and approving bonds	1945	116

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
CONSTABLES (cont.)			CONSTABLES (cont.)		
Fees (cont.)			Prisoners (cont.)		
Territorial limits; arrests	1949	599	Committing to jail (cont.)		
Testifying in home county	1941	769	Legal order of commitment,		
Witness in county court	1945	132	no authority without	1929	311
Witnesses; mileage			Jailing; necessity of commit-		
Bond approval; investigation	1949	44	ment	1945	117
		600	Release; fees	1949	47
		604			629
Information or indictment, pay-			Return, from another county,		
ment prior to filing not al-			authority	1931	506
lowed	1953	689		1947	36
Financial responsibility law; warrants			Probation officer, juvenile; eligi-		
issued by justice of peace; service			bility to serve	1947	167
by constable	1955	712	Process, service		
Fines and cash bonds; collection;			Authority	1947	44
disposition, authority	1953	716		1953	34
Fire prevention code, enforcement				1925	344
of provisions; authority	1959	392	Mileage allowed		
Gun carrying not prohibited; travel-			Beyond territorial limits of dis-		
ing; official duty	1949	572	trict; legality	1947	605
Inquests of the dead, duties	1933	270	Certain process anywhere in		
Inspector of marks and brands, eligi-			county, permitted	1927	375
bility to serve	1917	434	Civil actions in circuit court	1935	277
Jail keys; right to possession	1945	117	County judges; judicial in-		
Jurisdiction	1921	272	quiries of insane	1949	60
		357	Court of record, execution;		
		364	Escambia county	1941	58
		612	General	1935	796
Powers outside district	1949		Justice of peace		
Justice of peace			Court	1935	265
Acceptance of costs by prior com-				1943	129
mencement of action; author-			District	1937	51
ized	1959	70	Mileage allowance	1905	192
Appointment	1925	82		1959	227
Certain criminal cases, not au-			Outside district	1941	57
thorized to compromise	1927	339	Fees	1927	130
Districts, abolishment; effect	1945	144	Returning prisoners from other		
Mayor of Hallandale, Florida; eligi-			counties and states	1927	339
ble to serve	1949	67	Purchase of equipment, etc., by		
Mileage			county, without authority	1959	10
Appearance bond; nonresident			Salt waters, Broward county; fish		
justice district	1949	65	law violations; authority	1953	438
Constructive mileage, constable's			Searches and seizures		
charge not authorized	1933	272	Fees; appearance and bail		
Criminal procedure act, when not			bonds; authority	1949	44
entitled to fees or	1939	88			597
Eligibility	1925	343	Search warrants; territorial		
	1927	339	jurisdiction; service	1949	612
Process; service	1949	44	Searches without warrant; alco-		
Transporting prisoner	1951	62	holic beverage premises	1949	498
Municipal officer; eligible to hold			Services in annexed district, com-		
both offices	1949	66	missions	1937	51
Nomination by districts	1947	98	Special constable, appointment of		
Office budgets, overspent; collection			by justice of peace; construc-		
of over expenditures; Duval coun-			tion of statutes	1931	504
ty	1959	719	State office, not authorized to		
Per diem, when allowed for attend-			hold	1925	74
ance on court, county to pay same	1933	272	Summoned to testify in another		
Powers			county; witness fee and mile-		
County judges' courts	1941	45	age, payment	1957	184
General	1927	337	Territorial powers	1929	320
Justice of peace courts	1941	55	Approval and acceptance of		
Territorial jurisdiction; apprehen-			bonds	1935	276
sion of prisoners outside dis-			Jurisdiction	1917	436
trict	1941	51	Vacancies, appointment, expira-		
		59	tion of term; Duval county	1955	860
		82	Voluntary payments of fines, re-		
Preliminary hearing, waiver by de-			ceiving; without authority	1953	716
fendant wishing to plead guilty	1947	592	Warrants		
Prisoners			Justice of peace court, service by		
Attorney, sheriff without author-			sheriff of second county; re-		
ity to release to without bond	1953	678	turn of prisoner by constable		
Bound to higher court, handling	1953	678	and guard, compensation	1959	489
Committing to jail			Nonresident county; service,		
Duties and fees	1931	633	jurisdiction	1949	600

Subject	Year	Page
CONSTABLES (cont.)		
Warrants (cont.)		
Search without		
Alcoholic beverages; licensed premises	1949	498
Authority	1945	632
Service in other districts	1949	69
Territorial jurisdiction	1949	612
Witness and mileage fee		
Allowed	1949	44
		600
		604
Bond approval fee and investigation fee	1949	44
		600
		604
Prior to filing of information or indictment; payment not allowed	1953	689
Writs, service in district; duties	1917	460
CONSTITUTION, FLORIDA STATE		
Amendments	1937	629
Amendment proposals; substance printed on general election ballot	1949	104
Legislative authority to act upon federal amendment	1917	199
Procedure	1933	369
Proposed amendment to Article V; construction of words, appeal as a matter of right	1955	884
Proposed amendment to Article XIX	1933	372
School board's authority to borrow money not affected	1931	541
Section 4, Article III; effect of recent amendment	1953	4
Three fifths vote of both houses required	1939	532
Conflict in section numbers; effect on powers of parole commission	1945	779
Construction Section 11, Article IX	1931	223
Declaration of rights	1933	512
		513
Section 22	1937	238
University of Florida, legality	1941	332
Constitution, United States; child labor amendment	1937	614
Constitutional courts of Florida See: Specific courts		
Constitutional courts of record; scope of definition; county court, county judge's court	1947	28
Construction; retail installment sales law, application to construction installment contracts	1959	764
Consular officers and employees; gasoline tax, when exempt from payment	1937	584
Contests; radio broadcast disc jockey marathon; whether violative of law re prohibition of endurance contests	1957	811
Continental casualty company; declaration of liability as surety, acceptance	1951	692
Continuing appropriations See: APPROPRIATIONS		
Contraband; moonshine whiskey, seizure; highway patrol, authority	1951	477
CONTRACT CARRIER		
Mileage tax, exemption	1931	789
Validity when signed by dope fiend	1931	735
Void, when	1931	540
CONTRACTORS		
Board of control; builder's risk insurance coverage; loss payable clause	1953	336

Subject	Year	Page
CONTRACTORS (cont.)		
Building contractors engaged in termite prevention during construction; whether violative of law	1957	620
Construction for taxation purposes	1939	533
Employees of subcontractor, liability	1935	532
Employment by governmental agencies, removal from exemption	1959	171
Independent		
Workmen's compensation law		
Application	1939	377
Construction under	1937	328
General	1939	347
Not subject	1939	360
License tax		
Bidding on highway jobs; requirements	1937	562
Government work, when liable	1937	560
Requirement	1931	712
	1933	5
Statute construed	1931	696
Mechanic's lien law; misapplication of funds; punishment	1959	325
Public building, construction; penal bond	1947	367
		374
Public works, contracts executed prior to August 1; adjustments to protect bidders from	1959	191
School construction; authority of municipality to withhold building permit	1957	631
Warm air furnace, connects to ducts, etc., whether installer within the LP gas laws	1957	619
Contractors' public works See: CONTRACTORS; PUBLIC WORKS		
CONTRACTS		
See also: AGREEMENTS		
Accidental death policies; insurance agents, examination requirements; qualifications	1949	531
Accounts receivable; subject to intangible personal property tax	1957	807
Agricultural experiment station, validity	1941	323
Annuity; intangible taxation	1947	237
Award by arbitrators for alleged breach of contract by state; legality	1947	49
Bids; withdrawal and cancellation; deposit return	1949	323
Board of control See: CONTROL, BOARD OF		
Bona fide contract to purchase realty; eligibility for homestead exemption	1959	482
Building contract between municipality and contractor, documentary stamp tax	1933	38
Burial agreements, whether violative of certain insurance laws	1955	273
Casualty insurance; rates	1945	686
Certified copies of contract or bond, furnishing where building subject to materialman's lien	1959	146
Competitive bids; escalator or posted market price clause; county commissioners, authority to accept	1953	150
Conditional sales contract		
Assigned to banks; intangible tax	1947	234

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CONTRACTS (cont.)		
Conditional sales contract (cont.)		
Guaranty of payment; not insurance	1949	526
Vendee's interest in personal property; subject to execution	1957	48
Construction contracts, wage rate; secretary of state, determination	1955	79
Contingent mortality endowment	1943	472
Continuing contracts, public schools		
Instructional staff; status	1949	302
Professional administrative assistance	1951	389
Contractual obligations brought into state for collection, taxability	1959	776
Corn purchases; weights and measures affecting validity	1949	483
County commissioners		
Awarding contracts, vote less than a majority of those present; legality	1955	300
Bids; lowest responsible; acceptance	1951	228
Conditional sales contracts for road machinery	1947	147
Contract bid from employer; validity	1955	99
Legal service, contract; authorized	1905	203
Maps authorized	1949	187
Member not authorized to enter into; for benefit	1931	550
County health board; budget commission, Pinellas county; authority	1949	191
County school board		
Bus service and equipment, competitive bids	1951	409
Carried out though school teacher elected as member school board	1927	220
Construction contracts obtained by fraud; validity	1951	365
School building; alteration of specifications, etc., authority	1953	328
School buses		
Drivers		
Payment of salary after rescission	1947	311
Transportation of public and parochial school children; legality	1953	327
Purchase; resale	1949	299
Teachers		
Continuing employment, validity	1951	390
Requirements	1949	303
Supplementary, proposals; salary increase, validity	1951	402
County school construction; cost basis	1945	408
County superintendent, rules and regulations governing teachers in conflict with rules state authorities, prohibited	1927	216
Credits protection policy; cancellation of balance due upon death; nature	1953	595
Deferred payment		
Contracts owned by foreign corporation; intangible tax	1947	175

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CONTRACTS (cont.)		
Deferred payment (cont.)		
Execution by county board of public instruction	1943	265
Documentary stamp tax required	1939	435
Eligibility for sale; registration with securities commission, required	1939	380
Engineers' fees, single contract for utility installations; board of control, authority	1953	340
Excess insurance; definition; regulation of rates	1945	687
Experiment station; amendment of power contract	1947	342
Federal agency and Florida rate; wage scale for laborers and mechanics; conflict	1949	281
Fire insurance		
Rates, regulations	1947	543
Regulations of commissioner; construction	1945	670
Florida park service, powers; feeding privately owned animals	1945	651
Foreign; documentary stamp tax	1943	226
Forestry board; county commissioners of Suwannee county	1941	128
Funeral director as funeral insurance agent; legality	1945	696
Game and fresh water fish commission, employment and sales; validity	1953	430
Governmental, penalty clauses in; legality	1959	718
Improvement commission; status	1949	434
Instructional staff members of schools; continuing; compensation	1953	326
Insurance		
Agreement; window glass kept in good repair	1949	519
Chiropractor, naturopath, osteopath, qualified as physician, surgeon	1949	554
Life; speculative benefits; insurable interest	1945	693
Mortality endowment, liability	1941	737
Reciprocal insurance; definition	1945	685
Television picture tube service; agreement to maintain	1951	651
Three-year policy; county property, purchase authorized	1951	234
When constitute	1937	166
Library board; transfers of funds; appropriation	1949	334
License tax, for hire carriers; United States mail	1935	561
Life care		
Church supported home for aged; law not applicable	1953	581
Insurance commissioner's duty	1953	590
Oil exploration, state lands; default	1945	448
Plans of building changed, without readvertising for bids; Duval county welfare board	1947	153
Policies, effective date of insurance	1943	476
Primary road construction, prior to annual budget; contractors' compensation	1955	5
Profit sharing venture; certificates of interest; offers to public	1949	477
Promissory notes; contract for payment; documentary stamps, requirement	1949	256
		257

Subject	Year	Page
CONTRACTS (cont.)		
Protection agreement; Dade Memorial Park, Inc.; validity	1951	680
Public buildings; rate of wages; disputes, board of control; duties	1949	281
Public contracts, final awards of; county commissioners, jurisdiction	1955	99
Public printing		
Award; laws governing	1955	797
Out-of-state bids; validity	1951	441
Regulation	1957	102
Public works; prevailing wages, payment; disputes, settlement	1955	164
Race tracks; certain equipment, rental and service fees; exempt from sales tax	1951	338
Real property, sale and conveyance; tax situs	1947	235
	1959	381
Refunding, approval by board of administration	1941	141
Rental purchase agreement; time limit	1949	171
Repairs to equipment; competitive bids; county road machines	1949	185
		381
		382
Retail installment contract; interest limitation (ten dollars per hundred dollars per year); final payment large or balloon type; legality	1959	733
Retail installment sales law, application of to construction installment contracts	1959	764
Roads and bridges; bids required	1949	393
Roads, maintenance and construction; bidders, guaranty required	1955	264
School construction contracts, penalty clause; requirement	1959	503
Sheriffs		
Contracting to feed prisoners; authorized	1957	787
		839
Guard for private corporation, to furnish	1941	27
State agencies		
Interior decorator, contract for services in excess of one thousand dollars not within the statute	1957	371
Nonresident printer; legality	1945	470
Performance for services on other than salary basis; payment from moneys appropriated by general appropriations act	1959	207
State contracts; materials; favor Florida merchants; interstate commerce clause	1949	338
State road department employee as abstract company owner	1949	384
Television picture tube service; contract of insurance	1951	651
Termite control; power of armory board to enter into contract	1947	362
Textbooks; purchase by state; prices	1945	407
Timber sale contracts; cashier's checks and money orders; documentary stamp tax, liability	1957	288
Tuberculosis board		
Bids; advertisement not required; low bidder	1949	419
Duplication previous order without bids	1949	420

Subject	Year	Page
CONTRACTS (cont.)		
Ultra vires agency contract; benevolent mutual benefit association; reimbursement	1945	703
Undertaker acting as sick and funeral benefit insurance agent	1947	556
Violations; necessity of proof	1905	193
Without acknowledgment; expunging from record	1945	714
Workmen's compensation law, construction re	1939	360
Contracts for regional education; proposed form; veterinary medicine; students' eligibility	1949	324
Contributions See: ELECTIONS		
Control, board of See: BOARD OF CONTROL		
Convalescent homes; hotel commission; without jurisdiction	1949	469
Conventions; general inspection fund, use; to bring meeting to state	1935	716
Convents; utility services furnished by municipalities; tax exemption	1957	303
Conversion; contractors, misapplication of funds, punishment, etc.; mechanic's lien law	1959	325
Conveyances See: DEEDS AND CONVEYANCES		
CONVICT GUARDS		
Bonds required	1931	474
Justifiable homicide when shooting escaping convict	1929	352
Convict-made goods; state prison farm	1935	772
CONVICTED PERSONS		
Licensed beverage places, employment	1955	777
Record, clerk's fees	1955	281
CONVICTIONS		
See also: CRIMINAL PROCEDURE; SENTENCE AND JUDGMENT		
Bookmaking, second offense; charging of previous conviction in information	1957	512
Civil service board, morals charge; felony	1949	464
Concealed weapon; forfeiture to state	1949	572
County attorney entitled fees; presence not required	1949	173
Court prohibited from taking judicial notice of prior conviction	1927	376
Defined	1951	774
Drunkards; term served; subsequent arrest double jeopardy	1951	753
Drunk driving; driver's license suspension; county judge, authority	1955	101
Fees		
Computation	1939	45
Prosecuting attorney; payment; authority	1931	589
Felons; insurance agents, applicant; eligibility	1951	652
Felony		
Appealed to higher court; effect on right to vote	1957	521
Foreign state; civil right of suffrage	1953	71
Pending appeal from such conviction; eligibility as elector or candidate for office	1959	510
Game and fresh water fish commission, licenses denied or forfeited	1949	401

Subject	Year	Page
CONVICTIONS (cont.)		
Pardon board, empowered to grant pardon for parolee	1949	625
Petit larceny; loss of right to vote	1953	72
Prior conviction; court prohibited from taking judicial notice	1927	376
Prosecuting attorneys, fees for criminal prosecution in county judge's court; plea of guilty	1959	641
Rape conviction; mercy recommended to court; penalty imposed	1957	520
Robbery; reducing or deferring sentence; sentence less than ten years	1953	648
CONVICTS		
See also: PRISON, STATE; PRISONERS		
Applicant for pardon, record required	1935	573
Arrests after expiration of reprieves	1939	60
Board of commissioners of state institutions		
City convicts or prisons, without authority over	1939	535
Transfer to state institutions; authority	1919	139
Captains and guards employed by road department; rules and regulations subject to; hiring and dismissal	1933	547
Child fourteen years of age; transfer to industrial school	1945	549
Circuit court conviction; constables without authority for custody	1929	311
Citizenship	1935	700
Civil rights; restoration	1943	510
Colored females; institutions for detention	1945	760
Commissioner of agriculture		
City convicts or prisons, without authority over	1939	535
Rules, duty to promulgate	1923	150
Compensation		
Credit	1935	703
Eligibility to receive	1923	232
Conditional commutation of sentence; breach of condition	1945	748
Convict fund, when transferable	1909	64
Conviction in city court no bar to prosecution in other courts	1913	182
County commissioners		
Control and supervision	1931	380
Employment, without authority	1931	529
Hiring out convicts, authority	1931	496
Lease to another county	1927	224
Manual labor required of convicts	1927	296
Credit from prison sentence for jail time served, not entitled to	1939	534
Discharge fees	1941	792
Expenses	1937	477
Funds from which paid	1931	627
Payment		
County in which convicted	1939	536
Sentence not served in county jail, when	1929	308
State road department	1941	794
Discipline by superintendent of state prison	1945	763
Escaped	1907	193
Federal; loss of civil rights	1945	771
Feeding		
Amounts allowed	1917	119

Subject	Year	Page
CONVICTS (cont.)		
Feeding (cont.)		
Equipment	1943	511
Female prisoners not to be leased	1909	81
Fine; payment prior to parole	1943	507
Fingerprinting	1935	702
Fuel for cooking, sheriff to furnish	1949	39
Furnishing clothes and discharge money	1913	124
Gain time	1939	537
Computation	1947	612
County convicts, effect of 1957 act; law not repealed	1957	331
Guard, hiring; see Brown vs. St. Lucie county, 153 So. 906	1933	549
Guards and captains, surety bonds	1933	483
Hiring out	1937	616
Farm	1917	175
Females	1919	244
Hospital and funeral expenses, liability of county	1941	136
Hours of labor; rules and regulations	1939	534
Housing and working	1919	68
Incorporated cities, county commissioners without authority to employ on streets	1931	636
Justifiable homicide when shooting	1929	352
Leasing; white prisoners	1917	303
	1941	793
Licenses if driving state motor vehicles; required	1939	334
Lunacy proceedings; recovery of costs from state by county	1947	47
Maintenance as part of costs of prosecution	1913	240
Minor; continuing disqualification to vote	1945	162
Mistreatment, prosecution of guards	1941	791
Pardons; restoration of civil rights	1943	505
Parole		
Discharge fees, payment	1941	794
Revocation	1943	508
Violation		
Arrest and custody	1945	756
Revocation after expiration of parole period	1945	759
Time forfeited on return to prison	1935	704
Prison made goods, sale	1935	702
Probation, eligibility when charged with maximum penalty	1941	790
Proceedings against, when bond for fine and costs not paid	1913	172
Process, order, etc., concerning, commissioner of agriculture should be served with	1933	549
Proportion of time not served, not to be released upon payment to lessee	1913	224
Ramie produced by convict labor; sale	1945	760
Recapture and reward	1923	69
Restoration to citizenship	1935	699
Restrained	1909	83
Reward for capture		
Payment	1917	336
Return	1937	477
Revocation of office by lapse of time	1945	745
Road department		
Guards for road force, authority to employ	1933	548

Subject	Year	Page	Subject	Year	Page
CONVICTS (cont.)			COPYRIGHTS (cont.)		
Road department (cont.)			Maps, plats, drawings, and other documents in tax assessing offices; copyrighted; sold or reproduced by members of the public; private rights in	1959	619
Prison authorities to deliver	1919	272	Royalties received; taxable property	1957	9
Return to state prison farm, not authorized	1931	452	Coral Gables, city of; vendors of alcoholic beverages; number of licenses issuable	1947	493
Rules and regulations	1919	65	Corn; feed mills; purchases; weights and measures	1949	483
Self-injury; loss of gain time	1943	514	CORONER'S INQUESTS		
Sentences			See also: DEAD BODIES; AUTOPSIES;		
Concurrent	1915	197	Inquests of the dead under JUSTICES OF PEACE		
	1917	313	Accident victims, removal of bodies by patrol officers without notifying coroner; authority	1953	389
County jail, when not served in; fees	1929	308	Autopsy		
State tuberculosis sanatorium, use of colored females for work	1943	512	Death natural or accidental, authority to order	1953	715
Subleasing of by Leon county	1907	142	Physician's fee, payment	1951	783
Supervision	1919	126	State attorney; coroner's jury	1949	617
Conditional pardons or paroles, after receiving	1945	757	Coroner's jury; advisory nature of verdict	1947	601
Suspended sentence	1935	703	Costs	1907	82
Term begins on day of sentence	1913	142	Funds paid from	1949	615
Transportation expenses, payment	1937	477	County judge		
Trusty; work in constable's office; county commissioners, authority	1943	511	Fees	1949	613
White and colored prisoners, separate work squads	1947	612	Holding; authority	1931	398
Coon oysters See: OYSTERS				1941	779
COOPERATIVE ASSOCIATIONS			Powers	1945	753
Documentary stamp taxes; certificates of equity	1949	254	Duty	1949	616
		256	Eyewitnesses; killing	1949	615
		258			616
		515	Fees		
Florida securities commission; sale of stock	1949	476	Attending inquest	1931	626
		478	Certain cases	1905	173
Formed under chapter 9300, amendments, subject to	1935	790	Court reporter; paid by county	1935	688
Members; purchase and distribution; tax exemption	1949	222	Death certificates, issuance	1941	65
Nonprofit; documentary stamp taxes; certificate of equity	1949	256	Duties	1941	778
		515	Funds paid from	1949	615
Stock and/or membership certificates in, organized for profit, whether constituting securities	1959	138	General	1905	206
Transact business under chapter 7384, acts of 1917, authorized	1931	235		1941	778
Cooperative living organization; taxation, exemption	1947	190		1949	69
COOPERATIVE MARKETING ASSOCIATIONS					415
Annual reports; resident agents for service of process; construction of statute as to requirement	1957	805			614
Florida securities commission act, does not affect	1931	782	Officers holding inquests	1913	253
Law relating to, construction	1929	232	Viewing of dead body	1905	165
Cooperative syndicate agreements; funds raised to finance construction, sale of cooperatives; subject to regulations	1957	527	Females; qualification and disqualification	1949	614
COOPERATIVES			Grants of authority to army and navy to remove personnel from scene of accident	1941	779
Associations incorporated; fees and taxes, assessment	1951	641	Instructions to jury; unknown person; unknown means; at hands of unknown person; form	1957	732
Lunch room, employees only; hotel commission, jurisdiction	1951	595	Jury	1949	614
Tobacco, employees; workmen's compensation, liability	1951	543			616
COPYRIGHTS					617
Board of commissioners of state institutions; royalties on "Florida Guide"; disposition	1943	265	Compensation	1947	36
			Selection, etc.	1949	614
					616
			Summoning physician, authorization	1927	377
			Warrant to constables, required to direct	1929	310
			Justice of peace		
			Absence; authority county judge	1949	612
			Acting as coroner; duties, powers	1905	64

Subject	Year	Page
CORONERS' INQUESTS (cont.)		
Justices of peace (cont.)		
Certain case, within jurisdiction; fees and expenses	1905	39
Children involved; jurisdiction	1955	628
Coroner of his district	1935	263
County judge; duties in connection	1933	270
Holding, authorized	1929	353
	1949	69
		613
		614
		615
		616
Jury, procuring	1949	614
		616
Powers	1945	753
Method and manner of holding	1929	353
Mileage fees allowed	1931	568
Necessity for inquest to be determined	1931	475
Notice; death certificates; sheriffs; authority	1949	415
Person to hold	1925	80
Physicians, when entitled to remuneration for attending	1931	521
Viewing of dead body, fee	1905	165
Corporate stock See: CORPORATIONS		
CORPORATIONS		
See also: ASSOCIATIONS; DECLARATIONS OF TRUST; FEES; STOCK		
Accounts receivable		
Foreign corporation		
Intangible personal property taxes; situs	1957	828
Tax situs	1953	258
Intangible tax	1947	236
Notes, intangible taxes, liability	1949	249
Ad valorem tax, when exempt from	1931	244
Additional tax; changing of stock structure; requirement	1959	257
Advising investors through booklets; dealer in securities	1945	613
Agents		
Corporations as; distribution of dividends	1945	678
		679
New agent; amended certificate must be filed	1927	159
Title insurer, corporation as agent; proposed law	1945	677
Agreement with bank to loan money upon oral request; documentary stamp tax, liability	1959	341
Agricultural cooperative marketing associations; capital stock, tax situs	1945	662
	1959	713
Amendment of charter	1935	705
Certain law, under	1925	112
Certificate amended, new agent, filing required	1927	159
Conditions	1951	638
Filed under certain circumstances	1925	141
Method	1945	662
Permit, when stands revoked	1925	139
Protest	1919	92
Suggested amendment, chapter 14677	1931	779
Withdrawal; authority	1919	158

Subject	Year	Page
CORPORATIONS (cont.)		
Annual reports; resident agents for service of process; construction of statute as to requirement	1957	805
Appearance in court by attorney	1935	714
Appraisals of stock value	1935	707
Articles of reincorporation, post office address of each stockholder required	1927	136
Auto transportation companies, capital stock tax; exemption	1951	486
Automobile dealers; conditional sales contract; guaranty of payment; not insurance	1949	526
Aviation, teaching; tax situs	1953	209
Bank loans to, in which directors are interested; subject to certain limitations	1959	646
Banking		
Filing tax, requirements	1955	926
Unapproved loans; liability of directors	1945	710
Bankrupt corporation		
Dividend check, comptroller without authority to reissue until creditors paid	1937	18
Receivership; application of law	1935	706
Benedicts Institute, Inc., nonprofit organization, tax situs	1959	111
Benevolent organizations; solicitation of funds confined to members, construction of §§617.22-617.25	1955	325
Camping Tourists of America, nonprofit corporation, members; homestead exemption	1955	484
Capital stock		
Change, fees for filing certificates	1927	145
Reduction	1931	823
Organized under laws prior to 1925	1935	712
Structure, changing; additional tax required	1959	257
Tax	1931	796
Auto transportation companies exempted	1951	486
Certificates; held in escrow by securities commission; taxability	1953	531
Delinquent	1937	499
Dormant business; liability	1955	788
Exemption	1937	516
	1943	458
Law exempts only corporations named	1937	512
Inactive corporations; construction of law	1931	839
Industries, liability when engaged in; exemption	1937	514
Liability	1937	514
	1943	459
Corporations engaged in industries exempt	1937	514
Morris plan banks subject to	1937	21
Overpaid; refunding; construction of law	1939	517
Refunding of overpaid taxes, construction of law	1939	517
Required	1931	802
Cemetery		
Companies; incorporation, method	1925	134
Corporation, regulation promulgated by comptroller, remedy to enforce	1955	486

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CORPORATIONS (cont.)		
Certificate of incorporation	1931	242
Authentication, requirement	1927	159
Certain information, required to show	1929	192
Fees	1925	114
Shares of stock, should fully describe	1927	160
Certificates of stock, transfers; documentary stamp tax liability	1957	566
Chapter 11829 on chapter 11997, effect	1927	308
Chapter 14677		
Certain tax required	1931	232
Not in conflict with section 4268, C. G. L.	1931	231
Charters		
Amendment		
Certain statute	1925	112
Conditions	1951	638
Fees; secretary of state required to collect	1927	141
Permit stands revoked, when	1925	139
Tax required	1925	113
Certain requirements	1925	122
Church	1921	70
		72
Contractual nature	1947	567
Expiration; effect and status upon Florida corporation	1959	163
Fees		
Capital stock is subject to increase, when	1933	552
Foreign corporations	1925	395
Forfeiture of charter privileges; application of law	1931	839
Issuance	1919	147
Propriety of provision in, informal action by stockholders; legality	1955	718
Publication; number of days	1913	254
Statutes complied with	1925	107
		110
Suspended privileges and charter rights reestablished, payment required for all taxes due	1931	243
Tax	1927	154
Paid on increase stock; tax credit on new stock providing lower scale; prohibited	1935	709
Shares having no stated value	1959	386
Wording of charter does not prohibit filing	1917	243
Club; use of word in corporate name	1931	247
Foreign nonprofit corporation; eligibility	1957	446
Collateral agreements with banks; documentary stamp tax, liability	1955	719
		269
		271
Combination purchase, lease and resale contracts; subject to regulation under security law	1953	532
Construction of law		
Certain corporations	1927	308
Chapter 17719	1937	19
Conveyances, deeds of; execution; annual reports	1935	713
Cooperative		
Housing project, nonprofit; capital stock tax, liability	1957	722
Marketing association, law	1929	192
		232
Corporate name, authority to use certain	1907	30

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CORPORATIONS (cont.)		
Corporate stock		
Conveyances for issuance; documentary stamp taxes	1957	11
Exchanges; reorganization; documentary stamp, subject to	1957	112
Growers' Loan and Guaranty Company; taxability	1959	691
Issued in name of nominee; subsequent transfer to proper person; tax situs; documentary stamp tax requirement	1959	754
Corporation tax		
Bus and truck companies not liable	1931	835
Construction of law	1931	900
Holding companies required to pay	1931	240
Refund of payment; secretary of state within rights to refuse	1931	770
Dealer; registration	1941	674
Debenture preference stock; annual reports, filing fees	1953	574
Deeds, not authorized to execute until they file report and pay tax required	1933	555
Defunct banking, assessment of stock	1923	124
Delinquent, when under chapter 14677, 1933	1933	149
Dissolution; liquidation		
Building and loan association funds unclaimed; paid to state treasurer	1949	79
Certificates	1935	711
Date on which secretary of state receives and files affidavit shown	1927	160
Conveyances in connection with; documentary stamp tax, liability	1953	273
Corporate liquidation; form of notice to claimants	1945	156
Date when effective	1927	160
Documentary stamp tax required when dissolved	1937	506
Evidence of; filed in office secretary of state	1929	190
Foreign corporation; must be in like manner as domestic corporation	1933	551
General	1919	156
Legally dissolved, liable for capital tax	1931	782
Madison ginning company; method	1905	31
Municipality; corporate property and assets; disposition	1957	96
Net assets, payment to stockholders, application of law	1931	1018
Notice by fiduciary; form	1945	156
Organized under 1925 act	1927	148
Requirements	1923	91
Resident agent act in interpretation	1927	145
Statute control	1951	639
Stock	1917	110
Dividends and documentary stamps	1931	955
Documentary stamp taxes; conveyances for issuance of corporate stock	1957	11
Domestic		
Increase of capital stock		
Charter tax required	1925	113

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CORPORATIONS (cont.)		
Domestic (cont.)		
Increase of capital stock (cont.)		
Fees	1925	131
Insurance business, not authorized	1925	118
Organization	1925	116
Reincorporation, debenture preference stock; annual report and filing fees	1953	574
Shrimp, taking; length of corporate existence	1945	511
Stock sales; exemptions	1951	600
Waiver of claims for taxes on stock owned by nonresident decedents; issuance	1931	283
Domestication	1923	95
Not eligible	1925	110
Eleemosynary foundation, non-profit; tax situs	1959	121
Employment agencies, residence requirements of corporate applicants	1955	481
Engineering; occupational license for each engineer	1947	254
Excise tax		
Certain deductions by city; construction of law	1931	894
Liability for only one	1931	885
Fairchild engine and airplane corporation; out-of-state; accounts receivable, tax situs	1957	828
Farmers' cooperative associations	1919	157
Federal		
Bonds; corporate stock; intangible personal property taxes	1949	252
Land banks, etc.; exemption of stock from intangible tax	1947	242
Federal deposit insurance corporation coverage, moneys paid into court, handling and disposition	1959	417
Fees		
Amount; determination	1947	528
Capital stock		
Change; filing certificate	1927	145
Increase	1925	113
131		
Par and no par value defined; payment	1925	132
Certain, required	1927	137
Chapter 14677 refers to fees to be paid in connection with report required by §1	1931	234
Charter		
Filing, basis; method of obtaining	1923	87
90		
Foreign corporations	1925	395
Defined	1925	125
Doing business in state, fees required prior to	1925	142
Exemption from payment	1931	812
Foreign corporation, paid on full amount of capital to be employed in this state	1933	556
No par stock, determination of amount	1947	528
Permits, issuance upon payment	1929	186
Refund	1951	639
Reincorporating, given credit when	1927	149
Requirements	1923	85
87		
§3		
1931		242

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CORPORATIONS (cont.)		
Fees (cont.)		
Taxes, credit; merger on foreign corporations	1955	858
Fictions name statute; requirements	1949	588
1951		756
Filing fees		
Certain, required	1927	137
Construction of law	1929	186
Deductions, certain allowed	1931	233
Filing information and obtaining criminal service	1937	616
Fire and casualty insurer; operation as nonprofit corporation	1947	528
Fishing industry, not authorized to act in	1933	555
Florida corporation real property, stock of owned by out-of-state educational institution; tax exemption	1955	604
Florida crippled children's commission; application of workmen's compensation law	1945	555
Florida hospital service plan		
Funds, power to contribute or invest in stock insurance company	1949	552
Reserves; Blue Cross association	1949	552
Florida securities commission; violations; examiners; reports quasi-confidential	1949	476
Florida, what constitutes doing business in state	1927	142
Foreign		
Accounts receivable, taxability situs	1953	258
Amended charter, filing; certain fees required; construction of corporation statute by supreme court	1927	156
Attorneys-in-fact not required to comply with foreign corporation law	1929	248
Capital stock, increase; fees required	1927	141
Cessation of business in Florida; prerequisite	1927	138
Charter fees	1925	125
129		
395		
Charter tax		
Amendment, required	1925	113
Computation; method under chapter 13640	1931	229
Dealer in securities; registration	1945	615
Deeds to real property executed by such corporation, laws do not invalidate	1927	152
Domestication; fees; construction of law	1929	188
190		
Fees to be computed on certain scale	1929	186
Fiduciary	1921	107
Fire insurance company, qualification requirements; insurance; state of Florida	1949	523
Florida law, required to qualify under	1931	913
For profit	1907	83
Intangible personal property tax	1933	5
Intangible property; taxation	1947	175
Interstate commerce, engaged in; certain tax authorized under §4052, R. G. S.	1927	155

Subject	Year	Page
CORPORATIONS (cont.)		
Foreign (cont.)		
Interstate operation without permit; whether violation of chapter 613, F. S.	1957	894
Merger, credit on filing fees and taxes	1955	858
1925 acts not applicable	1925	121
Nonprofit		
Cooperative apartments, doing business as, in state; registration requirements	1959	769
Doing business in state, when entitled	1925	111
Qualification under certain law required	1925	116
Transacting affairs in Florida; qualification	1933	553
Transporting natural gas into state from without; liability	1959	353
Nonregistered; acceptance of process by secretary of state	1957	715
Offices located in counties other than principal place of business; tax situs	1953	260
Permit, cancellation; effect	1935	707
Qualifying	1919	150
Real estate mortgages; New York savings bank; institutional as trustee	1949	512
Reincorporating in another state, when credit for certain fees given	1927	149
Resident agents		
Designation, when not necessary	1929	190
Law amended relative to	1925	136
Sale of stock; registration	1945	611
School book contract awarded, qualification required before	1929	257
Securities act, qualified under	1935	614
Stock transfer; tax	1943	226
Title insurance, not authorized to write	1925	160
Transacting rental business in state; license requirement	1957	385
Trust functions, not authorized to exercise	1923	94
Two not to qualify under same name	1925	146
Word "savings;" restrictions on use	1949	512
		558
Word "trust" in name; use; qualifications	1925	109
	1949	559
	1919	152
Fort Pierce exchange		
Four corporations under common ownership; single group insurance plan	1947	549
Fraternal benefit societies, permit	1925	214
	1937	155
Funeral directors and embalmers; revocation of certificate	1945	582
Furniture, household effects, etc.; proposed organization of dealers; legality	1905	90
Gas and oil; sales at wholesale to public utilities; railroad and public utilities commission, jurisdiction	1951	500
General safe deposit corporation; word savings as part of name, use; violation	1957	98

Subject	Year	Page
CORPORATIONS (cont.)		
Group accident and sickness insurance; Tampa motor club; eligibility of members	1949	553
Historical associations, incorporated as nonprofit, tax exemptions	1959	757
Hospital service plans; services of osteopaths	1947	562
Hospitals		
Operated by foreign nonprofit corporation, licensed by state; tax exemptions	1957	932
Private; donations by county commissioners	1945	237
Tax exemptions; use of property	1949	514
Housing facilities; operation as nonprofit corporation, tax liability	1951	278
Incorporators, acknowledgement of signatures; complied with statute	1925	107
		110
Individual not permitted to do business as corporate entity	1931	771
Industrial plants; tax exemption	1947	274
Institutions used for educational purposes; tax exemption	1949	247
Insurance		
Issuance of preferred stock	1949	512
Minimum amount of stock in view of amended law	1955	452
Supervisory general agent; license	1951	656
Intangible personal property taxation	1943	222
Interstate operations without permit; whether violative of §613, 11, F. S.	1957	894
Letters patent		
Application	1923	85
Automobile insurance company	1921	89
Nonresident railroad	1917	135
Limited partnership		
Certificate of authority; termination; status	1949	517
Corporation as a limited partner; legality	1955	631
Use of word "limited" or "Ltd.;" designation of state office	1949	516
Limited surety companies		
Dissolution; release of securities	1947	568
Incorporation under general corporation law	1939	536
Liquidation, validity of proposed law requiring	1947	567
Liquefied petroleum gas, municipalities dealing in, regulation	1947	261
Merger		
Agreements; sufficiency	1947	527
Transfer by; documentary stamp tax not required	1949	254
Motor vehicle manufacturers, definition	1941	386
Mutual fire insurance company cannot operate under law by nonprofit-sharing company	1931	322
Mutual ownership corporation; homestead exemption	1947	196
Name		
Change; procedure	1929	399
Release	1921	112
Separate names, not authorized under law to have two	1931	232
Similarity of names	1921	91
		109
	1923	92

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CORPORATIONS (cont.)		
Name (cont.)		
Use	1925	117
Named corporations, law exempts from taxation only	1937	512
No par value stock; valuation, investigations by secretary of state	1949	512
Nonprofit		
Acting as trustee; authority	1949	514
Certificates of membership; documentary stamp tax	1949	258
Charter, amendment; method under new law	1959	335
Cooperative housing corporation, registration under chapter 617, F. S., eligibility	1959	494
Deeds of trust; trustees; authority to act as fiduciary	1949	514
Employees; occupational license tax requirement	1959	318
Homes; old people, tax exempt	1949	223
Merchandise purchases; tax exemptions	1949	222
Profits used for educational, religious, etc., purpose; taxability	1957	873
Soliciting funds for charitable purposes, construction of §§617, 22-617.25	1955	325
Nonresidents; intangibles; business situs	1949	220
Officer of insurance company; right to commissions for selling stock	1947	531
Officers or stockholders as partners in event of failure to comply with law, liability of	1935	710
Optometrist, employment	1931	415
Organized under certain law, may perform trust functions	1925	108
Overpayment on personal property against real property leased, authority S. A. L. railway to set off	1939	519
Permit		
Blue sky law, when required	1929	419
Foreign, bearing same name	1943	462
Insurance business not authorized until qualified under foreign corporation law	1925	212
Necessary to transact business, though qualified under securities act	1933	551
Political contributions; representatives	1949	591
Power of appointment; intangible taxes	1943	458
Practice of dentistry, not authorized	1931	734
Preacher's relief fund	1931	397
Principal place of business shall be in state	1927	135
Professional athletic team; license tax	1945	355
Property and assets, method of conveying	1931	1064
Public service utilities; exemption from securities law	1945	621
Purposes approved	1921	102
Racing		
Commissioner; eligibility; person holding stock	1949	484
Permit holder; stockholder, qualifications	1951	613

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CORPORATIONS (cont.)		
Real estate agent, license tax	1923	295
Real estate broker, etc., license requirements	1925	323
Reciprocal insurance agreement; powers	1945	685
Registration of securities by notification; showing net earnings; period	1945	620
Reincorporation		
Certain affix or prefix	1927	135
Gulf state furniture company	1925	122
Procedure, at same time reducing capital stock; 1925 act	1927	153
Stockholders; authorization	1945	661
Under 1925 act	1935	715
Reinstatement after delinquency, effect	1935	710
Religious, lands owned by; leases to individuals; tax liability	1953	208
Reports		
Annual and filing fees; requirements	1953	573
Filing fees	1931	782
		844
Debenture preference	1953	574
Tax	1931	1060
Resident agent		
Act		
Name, title and address of all officers required	1927	154
Penalty for not complying with terms	1927	143
Another corporation acting as	1927	140
Appointment	1927	139
Incorporation law; name to be filed as printed; name contained in annual tax report, requirement	1933	554
Named in charter	1925	127
State attorney to enforce certain provisions	1927	140
Suspension and remission of forfeitures incurred by failure to comply with act	1927	143
Right of certain company to do business; revoked until law complied with	1927	156
School supplies, etc., purchase from corporation in which school board member is stockholder	1947	323
Secretary of state, when authorized to certify as to good standing	1929	193
Securities		
Exemption from securities law	1947	481
Sale, to nonresidents; registration	1953	529
Sufficient to cover amount of claim demanded	1925	216
Securities act, required to qualify under	1937	381
Securities commission amendment, application to qualify	1941	673
Self-insurer under workmen's compensation law, qualifying as; requirements	1939	371
Separate corporation entity; each required to pay filing fees	1931	233
Ship canal authority; bonds of board members	1945	506
Small business investment act; Florida banking laws, effect of upon corporations	1959	104
Small business investment companies, organization in state as contemplated by federal small business act	1957	812
		814

Subject	Year	Page
CORPORATIONS (cont.)		
State; use of word in names	1945	661
Status of Florida corporation upon ex- piration of charter	1959	163
Stevodore licenses, granting	1951	452
Stock		
Assessments		
Bank in hands of conservator, unlawful under §4146	1933	299
Compromise settlement, comp- troller authorized to approve	1933	299
Bankruptcy reorganization; issued in connection; exemption	1955	678
Bonds, broker's license tax	1933	20
Building loan associations See: BUILDING AND LOAN ASSOCIA- TIONS		
Certificates		
Documentary stamp tax		
Liability when sold or pledg- ed as collateral	1931	908
Measured by face value	1933	39
Certification in cooperative asso- ciation forming profit making corporation, status of as se- curities	1959	138
Change in value by amendment; additional documentary stamp tax liability	1957	593
Common and preferred constitute capital stock of banks 305	1933	306
Corporation owned by one person	1933	58
Dividends, issuance based on ap- preciation of capital; authority	1955	351
Exchange of class of stock for another class, documentary stamp tax liability	1959	408
Exchange of shares; evasion of se- curities law	1943	431
Foreign corporations, stock, local transfers, tax situs	1955	913
Holders; authorization of rein- corporation	1945	661
Increase, conditions incident to	1923	89
Issued, unissued, etc., ad valorem taxation	1957	92
Nonresident owner		
Taxability	1945	306
Taxation of shares	1947	224
Original issue		
Changed from one par to no par value; documentary stamp tax	1933	42
Place of issue; documentary stamp tax liability	1957	606
Par and no par value stock, cer- tain affidavits required	1927	158
Pledged as collateral for loan, un- paid balance due; tax situs	1957	796
Sale		
Foreign corporation; registra- tion	1945	611
Registration required	1937	382
Shares		
Held by broker; documentary stamp tax	1947	266
Intangible personal property tax	1933	56
Subscription, preorganization; registration as securities un- necessary	1951	608
Tax credits against new increase, prohibition	1959	386

Subject	Year	Page
CORPORATIONS (cont.)		
Stock (cont.)		
Tax on capital	1907	110
Transfer		
Documentary stamp tax	1937	505
	1943	228
Method of attaching stamps	1931	891
Incorporation in another state, by reason of; tax, liability	1955	43
Owner to trustee; voting trust arrangement, etc.; docu- mentary stamp tax lia- bility	1959	361
Stock book, when required to bear documentary stamps	1931	894
Stock exchange		
Documentary stamp tax; lia- bility	1957	89
Reorganization; tax situs	1957	112
Stockholders		
Assessment should be made on pro rata basis	1937	20
Fingerprint records, copies and photographs; racing commis- sion; furnishing	1951	612
Former; eligibility	1949	483
Issuing corporation, exchange of securities by	1957	66
Net assets, payment by liquida- tors; application of law	1931	1018
Proxies; documentary stamp tax	1947	222
State bank and trust company, liable for contracts	1931	797
Statute of limitations, when begins to run	1931	288
Sun Dial school; nonprofit corpora- tion; used for educational pur- poses; exemption	1957	827
Surety on bonds, acting as; quali- fication under state law	1933	488
Tax credits against new capital stock increase, prohibition	1959	386
Tax exemption	1931	671
		943
Property	1931	562
Tax sales certificates assigned to municipal corporation, enforce- ment or recovery of	1955	746
Title insurance, not authorized to issue	1925	118
Title insurer with trust in name; right to do business in Florida	1947	572
Trade-marks to be registered	1923	97
Trade names		
Registered, use by unrelated group as corporate name; pro- hibited	1959	68
Use of word doctor; legality	1945	567
Transacting business; authority	1923	87
Transformation into cooperative as- sociation, forms used sufficient	1925	107
Treasury stock; subject to taxation	1949	247
Trust companies as executors	1935	708
Trust functions	1923	122
Not authorized to exercise	1925	69
	1937	630
Trust funds; retirement and benefit plans for employees of corporate or private industry; tax exemp- tion	1957	64
Trust properties, ad valorem tax, liability	1955	909

Subject	Year	Page	Subject	Year	Page
CORPORATIONS (cont.)			COSTS (cont.)		
Trust, use of word			County (cont.)		
Company authorized to do business in 1924 and restricted not to engage in banking or trust business	1933	553	Liability	1923	290
Corporation not exercising trust functions in this state, not authorized	1933	552	Certain cases	1927	297
Trustee of voting trust, authority to act as; legality	1959	613	Executing warrant in preliminary hearing only	1939	65
Union aid association of America, changing place of home office	1905	32	Courts		
Use of "club" in name; legality	1945	660	Payment requirements when mother is indigent	1959	144
	1951	637	Waiver provision where indigent mother attempts to obtain support from resident father absent from home	1959	160
	1957	780	Criminal cases	1919	298
Voting trust, authority of corporation to act as trustee of; legality	1959	613		1921	267
Wisconsin investment board; authority of agency of sister state to register as foreign corporation, etc.	1957	738	Agent of game and fresh water fish commission	1947	403
Corpse See: DEAD BODIES; AUTOPSIES;			Payment	1947	162
CORONERS' INQUESTS					163
Correctional system See: PRISONERS			Commissioners; powers	1905	181
Correspondence business course; contracts for in public schools	1913	120			182
CORRUPT PRACTICE ACT			Criminal prosecutions; payment; county commissioners, powers	1905	179
Candidate, certain acts of; whether violative	1931	939	Criminal trials and lunacy proceedings; insolvent defendants; measure of costs refunded by state to county	1959	537
General election, does not apply	1927	437	Defendant		
Grand jury report, publication; not in violation	1931	989	Discharged, payment	1917	426
Superintendent public instruction; decrease in salary	1931	612	Liability	1927	368
Violation	1931	933	Payment before taking appeal not required	1937	122
Cost bonds See: BONDS; COSTS			Deposits		
COSTS			Advance payments	1931	575
Affidavit; capias issued; approval, property	1949	620	Certain cases; requirements	1927	389
Appeal; judgment and sentence; supersedeas bond; payment	1953	52	Requirements	1917	147
Arresting officer, acceptance	1945	743	Disbarment proceedings; attorneys; counties not liable	1949	449
Arrests; conservation officers entitled	1949	401	Fine and costs, form for execution when defendant has been sentenced	1957	649
Bastardy proceedings; deposits	1943	503	Habeas corpus		
Bond given to cover, payment required	1927	379	Action for custody of child; by whom payable	1945	108
Certain basis, not chargeable in	1904	77	Liability	1917	432
Clerk, case State v. Rast	1919	89	Judge; security	1923	275
Collected by attorney general and deposited in state treasury	1915	229	Justice of peace		
Collection and payment	1927	376	Cases prosecuted before; requirement of prepayment under \$8490	1931	508
Commitment trials			County judges		
Cases where no indictment is found; payment	1905	201	Inquests of the dead	1949	69
Payment withheld until indictment is found or information filed	1905	174			415
Committing magistrate entitled to conviction, when not taxable	1931	617			614
Cost bills	1917	444			615
Collection; method in certain cases	1931	958	Prepayment, when required	1931	492
Contents, required	1943	188	Deposit required	1919	290
County commissioners			Funds deposited; unused balance; disposition	1949	79
Liability	1937	61	Payment; when prisoner discharged	1913	239
Payment to sheriffs; justification	1937	73	Prepayment; requirements	1949	621
County judges	1931	793	School attendance officer	1919	121
Criminal matters	1945	130	Prisoner taken before another magistrate, when	1945	144
County			Lunacy proceedings against state convicts; recovery from state by county	1947	47
Habeas corpus when defendant discharged, liable	1929	300	Magistrate		
			Preliminary hearing; defendant discharged	1949	562
			Without jurisdiction; payment	1943	189
			Mandamus would lie to compel county to pay sheriff	1927	395

Subject	Year	Page
COSTS (cont.)		
No indictment or information found; construction of statute re payment	1913	261
	1931	464
Peace warrant, prepayment	1921	153
Prepayment when required	1917	440
Prisoners		
Concurrent sentences; payment	1955	93
Maintenance as part of cost of prosecution	1913	240
Release to sheriff by police department, payment	1945	111
Remission after conviction	1943	331
Search warrants; issuance; procedure	1945	751
Sheriffs	1927	383
Extradition cases	1927	394
Impounding livestock; transportation	1949	506
Service not rendered, not entitled to	1923	79
Solvent defendant; payment as prerequisite to supersedeas	1947	599
State livestock sanitary board authorized to pay one half	1931	436
Summoning grand jury	1919	286
Tax liens, foreclosure by counties	1945	320
Tuberculosis board; duplicate contracts awarded without bids; legality	1949	420
Writ of habeas corpus, execution of by sheriff	1927	386
Cotton baled; subject to taxation	1905	38
COUNCIL FOR THE BLIND, FLORIDA		
See also: BLIND PERSONS; DEAF AND BLIND		
Bethune-Cookman college; negro students; white teachers not prohibited to teach	1949	307
Blind negro persons; instruction not extended	1949	307
Deposit of donations, etc., in state treasury	1947	435
Employees		
Affiliation with cooperative for blind	1949	428
Group hospitalization and health insurance	1941	540
Liability for torts	1941	540
Salaries	1943	371
Vending stand operators	1943	380
Funds donated to council, expenditure and use	1955	775
Holly Hill training center; negro blind persons not allowed	1949	307
Lands, buildings and equipment	1949	434
Lease of municipal housing projects; ad valorem tax, liability	1955	697
Obsolete records, destruction	1955	639
Operators of vending stands		
Employees of council	1943	380
Federal income tax deductions	1943	380
Workmen's compensation liability	1943	380
Purchase of real property; power to take title, etc.	1947	434
		435
State agencies; lands, buildings and equipment; removal	1949	434
Torts		
Liability	1945	548
	1949	427
Vending machines		
Powers in respect to, etc.	1947	433

Subject	Year	Page
COUNCIL FOR THE BLIND, FLORIDA (cont.)		
Vending machines (cont.)		
Public buildings; installation	1949	428
Vending stands; equipment and merchandise coverage state fire insurance fund	1949	340
Vocational rehabilitation; agreements with federal government; authority	1943	371
Council of defense See: CIVIL DEFENSE		
COUNTIES		
See also: COUNTY FUNDS; Specific county		
Accident involving privately owned vehicle in performance of official duties; tort liabilities, county's immunity	1957	917
Adjustment board See: COUNTY BOARD OF ADJUSTMENT		
Aeronautics fund, chapter 57-179, effect upon accrual of moneys held by counties	1959	169
Afflicted children, authority and duty to care for	1949	186
Agricultural scholarships; value	1947	344
Aircraft registration fees; allocation	1947	396
Airports; enforcement of regulations	1945	500
Alcoholic beverage sales, regulation	1953	560
Annex, outside county seat; establishment; county commissioners, authority	1955	251
		252
Assessment rolls; millage deadline; Pinellas county	1949	244
Attorney See: ATTORNEYS-AT-LAW; COUNTY ATTORNEYS		
Audit; governmental functions; preference	1951	30
Automobiles, license tax	1931	554
Beverage licenses, hotels and restaurants; limitation quota	1951	620
Bills of certain county officials; payment	1911	59
Board of public instruction See: County boards of public instruction under SCHOOLS		
Boards, limitation of expenditures	1937	104
Bonded indebtedness; lands of the game and fresh water fish commission; assessment invalid	1949	400
Bonds		
Class, accepted for tax certificates	1931	395
Custody of state treasurer; duties	1945	98
Deputy sheriff; payment of premium	1945	217
Interest after maturity	1935	805
Boundaries	1911	43
Citrus and Levy counties; boats registered in other counties or states; taxable this state	1949	249
Delinquent tax levies; transferred lands; assessment	1949	20
		21
Legislative authority to change Taxation; assessment; collection, transfer of lands	1913	262
	1949	20
Branch offices outside county seat		
Establishment	1951	232

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTIES (cont.)		
Branch offices outside county seat (cont.)		
Process from	1951	43
Budget commission See: BUDGET COMMISSION, COUNTY		
Budgets See: BUDGETS, COUNTY		
Certificates of indebtedness; construction program, security to secure state deposits	1949	30
Certified copy of contract and bond, furnishing where building subject to materialman's lien	1959	146
Circuit court clerk; indebted to; eligible retirement	1949	193
Citics; leasing prisoners to counties; authority	1949	626
Civil defense, contributions; purchase of equipment for fire protection; handling	1957	892
Claims against		
Barred by lapse of time	1947	51
Presented after one year, non-claim act not authorized to pay	1939	37
Clay sold from county land; proceeds	1949	175
Clerk hire for deputy, payment not authorized	1909	58
Commissioners See: COUNTY COMMISSIONERS		
Constables, furnished equipment and supplies by county; authority	1959	10
Convicts, discharge fees to be paid by county where convicted	1939	536
County judge, office equipment; duties	1945	234
Court reporter, official; compensation	1949	37
Courthouse		
Jail; construction; anticipation certificates	1949	194
Site; conveyance of portion; power	1945	312
Courts See: Specific courts		
Dairies and milk plants; jurisdiction of county sanitary officers	1947	472
Deeds; exemption from documentary stamp tax	1945	336
Depositories See: COUNTY DEPOSITORIES		
Disbarment proceedings, court costs; liability	1949	449
Domicile of officials; requirements	1949	155
Donations; power		
School purposes	1945	243
United States forest service	1945	241
Dry; sale of whiskey unlawful; premises of beer vendor	1949	497
Election districts; boundaries changed	1949	85 86
Electricity furnished unincorporated community, expenditure of county funds for payment; authorized	1959	103
Employees See also: OFFICES; OFFICERS		
Within purview of workmen's compensation law	1949	436
Equalization board See: COUNTY BOARD OF EQUALIZATION		
Excess fees; office equipment, purchase authorized	1951	255
Expenses, unforeseen; supplemental budget	1947	44

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTIES (cont.)		
Fairs and expositions, support	1935	749
Financial responsibility law, county qualify as self-insurer; prohibited	1957	917
Fire control agreement with forestry board; amount paid by counties	1955	449
Fire control units		
Establishment and maintenance	1945	232
Referendum	1945	246
Float for inaugural parade; contribution of funds	1947	152
Foreclosure of tax liens; time of redemption; costs	1945	320
Fuel tax, not required to pay	1939	518
Funds See also: County under FUNDS		
Appropriations for other than county purposes	1945	236
Expenditure of county funds by fee officers for national convention	1955	883
Junior college, establishment; county school board, authority	1953	319
Lower Tampa Bay bridge opening ceremony; expenditure	1953	143
Publicity, expenditure	1945	242
Surplus		
Lending; power of county commissioners	1945	241
Use; procedure	1945	250
Governmental functions, audit, preference	1951	30
Habeas corpus cases when defendant discharged, payment of costs	1929	300
Health units See: HEALTH		
Hillsborough See: HILLSBOROUGH COUNTY		
Historical commission, retired county employee as member; effect of retirement benefits	1953	163
Home for aged; purchase of furniture; procedure	1947	143
Hospitals		
Bond election; registration of freeholders, etc.	1947	111
Changing plans without readvertising for bids	1947	153
Companies, licensed by state; additional taxes imposed by	1904	47
Incompetency proceedings, liability for costs in	1959	421
Insurance, liability		
Fire; expenditure for recreational center	1953	147
Power to carry	1947	145
Purchase; authority	1949	337
Nonresident life insurance agent; occupational license tax	1947	256
Three-year contract, county property; purchase authorized	1951	234
Interest, payment or contract for payment of; absence of authority; prohibited	1957	692
Jails See: JAILS		
Judgments, payment from general fund	1935	761
Junior colleges		
Campus streets, construction; primary or secondary road funds, use; legality	1957	586
Supported by more than one county; campus streets, construction; payment	1957	586

Subject	Year	Page
COUNTIES (cont.)		
Justice of the peace		
Districts; division of county	1945	139
Fees; payment	1945	141
Office supplies, etc., duty to furnish	1945	142
Kanner bill, county may rescind action to operate under	1933	153
Laborers; inclusion of certain within retirement system	1953	158
Lands		
Erroneous sale; liability for purchaser's expenses	1945	235
Sales, by municipalities for delinquent taxes; disposition of proceeds	1947	209
Tax foreclosure; rights of certificate holders	1949	238
Transfer from one county to another; tax delinquent lands	1949	20 21
Leasehold interests in property; tax situs	1957	546
Licenses, outstanding, voting dry does not cancel	1939	499
Lunacy proceedings against state convicts; recovery of costs from state	1947	47
Medical and surgical expenses incurred in treatment of prisoners and indigent in a county; payment	1959	39
Motor vehicles		
Negligent operation; liability	1947	384
Tire purchases by state road department, authority	1951	494
Municipally owned property, failure to sell land for taxes and issue certificates; taxability	1959	178
New counties; extent of liability for parent county's indebtedness	1945	247
No fence laws; legal fences	1945	649
Nonresident; registrar; removal permits for dead bodies, issuance	1951	522
Office held by two officers in one year, compensation	1937	106
Officers See: Specific head		
Officers and employees retirement system See: RETIREMENT SYSTEMS		
Officers' association; payment of membership dues	1945	257
Oyster lease; power to terminate	1945	509
Pasco See: PASCO COUNTY		
Plumbing inspectors; appointment, etc.	1947	461
Poor and indigent inhabitants; county assistance; citizenship	1949	174
Postwar fund; termination of power to levy tax	1947	140
Preferred claim against certain bank, when entitled to	1929	202
Preliminary hearing at request of defense counsel; court reporter per diem expense, payment	1959	469
Prisoners		
Assaulted in jail; personal injuries; liability	1949	47
Maintaining; prosecuting county liable for cost	1931	467
Medical expenses; liability	1945	234
Return for prosecution; payment of costs assessed by police department	1945	111
Property; protection by drainage	1945	236

Subject	Year	Page
COUNTIES (cont.)		
Proprietary functions, duty of state auditor	1951	30
Prosecuting attorneys See: PROSECUTING ATTORNEYS		
Public hospital; financing construction and maintenance	1945	261
Public road within city limits, liability for maintenance	1929	325
Public schools, construction, additional sales and use tax	1955	66
Public swimming pool; constructed on school property; authorized jointly with city	1949	433
Purchases		
Clothing for convicts; competitive bidding	1949	187
Equipment and supplies for constables, authority	1959	10
Firm in which commissioner is interested; legality	1945	731
Improved realty for office space; payments by deferred installments; authority	1957	930
Rock material; competitive bid required	1951	226
Purchasing agent		
County commissioner acting as	1947	140
Powers, functions	1945	731
Racing funds		
Distribution	1935	485 486 487 935
Equal division	1931	935
Real property		
Appraisal; expense payment	1953	156
Donation	1945	454
Power to sell	1945	243 312
Recreational facilities; joint operation by county, municipality and board of public instruction	1951	379
Redistricting		
Effect	1947	104
School board member district	1953	322
Registration; legal residence, eligible to vote electors	1949	89 91 92 94
Retirement system SEE: RETIREMENT SYSTEM		
Revenue certificate, security for deposited funds	1959	668
Rewards offered by sheriff; liability	1945	122
Rights-of-way; spoil areas, etc.; acquire and furnish for public waterway, etc.; county commissioners, authority	1957	375
Roads See also: ROADS AND BRIDGES		
Building and maintaining; county funds; joining municipality	1949	393
Damage; reimbursement by federal government	1945	465
Dedication and acceptance; procedure necessary	1959	199
Establishment	1947	398
Method	1945	265
State roads; repairs and construction; county commissioners contributing funds to promote	1949	380

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTIES (cont.)			COUNTIES (cont.)		
Roads (cont.)			Voting machines adopted (cont.)		
Width of municipal streets maintained by county under agreement	1955	388	Use mandatory; biennial school district elections	1949	109
School boards See: SCHOOLS			Witness fees, method of paying	1931	397
Services not contracted for, payment	1945	343	Country clubs See: CLUBS		
Sheriffs See: SHERIFFS			County See: COUNTIES; Specific county		
Solicitors See: COUNTY SOLICITORS			COUNTY AGENTS		
Specific counties See: Specific heads			See also: AGENTS		
State owned lands; taxation	1947	183	Employment; method	1931	362
Statistical services, payment not authorized	1937	63	Vaccination of hogs; not licensed veterinarians; authority	1953	498
Superintendents of public instruction See: SCHOOLS			Workmen's compensation act, not eligible to come under	1949	436
Supersedeas bond; liability for premium	1947	562	County agricultural enumerators; term of office	1931	957
Surveyors; qualifications	1947	463	County airports See: AIRPORTS		
Tax assessors See: Assessors under TAXATION			County and home demonstration agents See: COUNTY AGENTS		
Tax collectors See: Collectors under TAXATION			County annual budget See: BUDGETS, COUNTY		
Tax equalization board See: COUNTY BOARD OF EQUALIZATION			County assessors See: TAXATION		
Tax foreclosed lands See: TAXATION			COUNTY ATTORNEYS		
Taxation			See also: ATTORNEYS-AT-LAW		
Foreclosure; rights of municipal tax lien holders	1945	268	Assistants; powers and duties	1949	51
Lands purchased; cancellation	1949	226	Candidates; filing fees	1947	88
Tax certificate			Chautauqua, if license tax required	1927	350
Lands acquired by counties for other than public purposes; cancellation not authorized	1935	84	Circuit judge, if authorized to employ stenographer	1927	343
Outstanding; disposition after county foreclosure	1955	882	Classification as county solicitor	1945	771
Redemption prior to foreclosure	1949	241	Columbia county; additional compensation		
Teachers			Accounting for under law	1957	131
Employment; retirement service credit	1949	319	Additional legal services; legality	1957	131
Group insurance; premium participation by county; legality	1959	438	Compensation	1947	88
Salary fund, amount received from state for salaries	1939	182	County judge not provided by special act	1927	356
Telephone and furniture necessary item of equipment, payment	1939	53	Conviction fee for bonds estreated under provisions of \$5, chapter 27781, 1951	1957	224
Torts, immunity			County judge's costs on appeal	1927	341
Action at law	1947	145	Elections		
Liabilities; accident involving privately owned vehicles in performance of official duties	1957	917	Election clerks and inspectors, publication or posting of names	1927	351
Traffic officers; service of process; civil and criminal	1949	198	Electors, names transferred from primary books to general election books, required	1927	355
Transcript of record for insolvent; payment	1935	806	General election; separate registration books required	1927	354
Tuberculosis sanatorium			Primary election		
Patients			Nominee, name should be printed on general election ballot	1927	352
Admitted; responsibilities	1951	525	Registration of negroes not lawful	1927	348
Escaped; responsibility for return	1949	420	Watchers at polls	1927	352
Recommitted, sheriff cost; county responsibility	1951	526	Employment and compensation	1935	219
Veterans' service officer; finance officer; dual office	1949	343	Expenses	1935	217
Voting machines adopted			Fees		
Elections; municipal, special, primary and general	1949	109	Conviction		
			Certain cases; payment	1927	330
			Collection; presence not required	1949	173
			Entitled to	1927	330
				1949	173
				1941	131
			Extraordinary services		
			Representing tax assessor; litigation contesting taxes	1949	245
			Tax collectors' liability	1941	183
			Fish and game law; sale of fish during closed season; duties	1927	349

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY ATTORNEYS (cont.)		
Game and fish laws; construction	1927	350
Governor authorized to appoint	1939	35
Narcotic drug violations, entry of nolle prosequi; powers	1943	367
National convention, out-of-state meetings; expenses, payment	1955	912
Plumbing law, construction	1927	346
Prison breach, escape and punishment	1927	345
Probation officers, assistant; authority to appoint	1927	341
Secretarial help; budget commission authority to strike out from budget	1949	191
Tax assessor; litigation; compensation allowed	1949	245
Tax foreclosure suits, appointment by county commissioners to handle	1941	201
Taxes, special road and bridge district, when one half paid to municipalities	1931	508
County auditor; appointment not authorized	1921	229
COUNTY BOARD OF ADJUSTMENTS		
Appeals, jurisdiction	1951	236
County commissioners; zoning; rehearing; powers; Leon county	1949	184
Members as county officers	1951	236
Term, expiration; continuation in office	1951	236
COUNTY BOARD OF EQUALIZATION		
Adjournments; errors; tax rolls; reconvene; authority	1949	178
Assessment roll, jurisdiction	1951	298
County commissioners		
Acting as, to comply with law	1925	373
Errors in tax roll, duty to correct	1949	228
Required to act	1929	387
Failure of taxpayer to protest at equalization meeting	1915	232
Personal property not returned under oath, rule when	1915	210
Right of	1925	91
Tax		
Assessors; board hearings; exclusion from; illegal	1949	231
Exemptions, etc., powers and duties	1959	711
Roll, indexing	1951	297
County boards See: Specific board;		
BOARDS, COMMISSIONS AND AGENCIES		
County boards of public instruction See: SCHOOLS		
County bond trustees See: County bonds under BONDS		
County bonds See: BONDS		
County budget commissions See: BUDGET COMMISSION, COUNTY		
County budgets See: BUDGETS, COUNTY		
COUNTY BUILDINGS		
See also: BUILDINGS		
County commissioners and state board of health, duty of	1931	222
Revenue bonds held invalid; use of funds collected under	1957	78
COUNTY COMMISSIONERS		
See also: COUNTY OFFICERS; OFFICES; OFFICERS		
Accountants, authority to employ	1935	221

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY COMMISSIONERS (cont.)		
Ad valorem moneys; community chest; welfare purposes; authority	1949	175
Advertising fund, aid to chamber of commerce	1949	169 180 182 207
Afflicted children, authority and duty to care for	1949	186
Aged and indigent citizens, home; construction of law	1949	186 201
Agricultural scholarships; amount of contribution from county funds	1947	344
Air base project, employment; governor's authority to grant leave of absence	1951	211
Alcoholic beverages		
Hours of sale	1947	497
	1949	496 497
Licenses; transfer	1947	496
Sunday sale; power to authorize	1947	496
Zoning	1947	492
	1951	624
Appropriations		
County funds; purposes	1945	236
Gasoline taxes; direct control	1949	272
Investigating fraudulent registrations, illegal voting, duty	1951	199
Assessment roll See: TAXATION		
Assessor, reimbursement, of sums paid employees of county commissioners working in tax office	1957	2
Association, expense of members	1933	211
Attorney		
Board of county commissioners, for; authority to appoint; may also serve as prosecuting attorney	1931	464
Collection in certain cases, without authority to employ for making	1931	304
Counties without county court or criminal court of record; authority to employ	1929	336
County judge's court, employment for, authorized	1933	210
Fees		
Defense of action against tax assessor, payment	1951	224
Payment of certain, authorized	1931	1058
Legal advisor; employment	1951	236
Special, appointment; to handle tax foreclosure suits	1941	201
Auditor		
Assistant; employment and discharge; authority	1933	211
Employment; authority	1937	53
Automobiles		
Expense allowance	1941	127
Official use, purchase	1943	183
Purchase and operation for own use; authority	1929	314
Sheriff's use, purchase	1947	146
Autopsy; payment of expense	1945	243
Back salary, recovery	1929	314

Subject	Year	Page
COUNTY COMMISSIONERS (cont.)		
Ballot boxes		
Delivery to election districts; duty	1947	59
Preparation; authority	1937	135
Three sets required	1931	659
Ballots		
Printing of names upon; no nominee; without authority	1951	163
Time for printing	1927	414
Beaches; authority to prevent reckless driving	1947	381
Beer		
Licenses; approval of applications	1947	494
Sunday sales; authority to make illegal	1949	496
Beverage licenses; disapproval; recourse after approval by director	1945	634
Bids		
Advertisements; restrictions of specification	1949	183
Lowest responsible; acceptance	1951	228
Private contractors	1949	393
Purchases exceeding three hundred dollars; advertisement for bids required	1935	235
Purchases from board members; without authority	1929	324
Trades over \$300.00	1949	169
Board of adjustments; zoning rehearing; jurisdiction; Leon county	1949	184
Board of equalization; raise or lower valuation of personal property on assessment roll; power	1905	161
Board of forestry, cooperative agreement with	1941	128
Board of public instruction chairman, as county manager not authorized; county engineer	1949	181
Boat basin; authority to incur expense of dredging	1947	141
Bond issue		
Funds, diverting of, prohibited	1927	296
Money received from certain; duties	1931	550
Bonds		
Bond funds, transfer to maintenance fund	1941	129
Certain bonds under chapter 15054, acts 1929; duties	1931	780
Disposition of certain	1931	563
Estreature judgment lien; release	1945	310
Past due coupons on certain; duties, in enforcing payment	1931	319
Payment of certain; construction of law	1931	496
Period of extension	1943	187
Premiums; payment by county, authorized	1933	216
Requirement, authorized	1925	306
School officials; to be filed with	1939	193
Surety; right of to be relieved	1929	292
Branch county officers, outside county; establishment; authority	1951	232
Bridges		
Bridge across St. Johns, election; expense, payment	1931	1057
Construction, issuance of bonds; without authority	1905	162

Subject	Year	Page
COUNTY COMMISSIONERS (cont.)		
Bridges (cont.)		
Emergency bridge repairs; necessity of advertising for bids	1947	144
Budgets See also: COUNTY BUDGETS		
Amendment		
Gasoline tax funds excess	1949	272
Transfer of funds	1945	274
Fine and forfeiture fund, excess expenditures	1945	249
Full report required by law	1941	138
Increase; approval	1929	333
Items, transfer; procedure	1943	186
New items, setting up; making appropriation and transferring to another fund	1945	250
Overdrawing, effect	1939	40
Payments not authorized, unlawful to make	1939	42
Supplemental; allocation of gas tax funds	1927	313
Transfer of funds, authority	1941	140
Bulkhead lines	1951	240
Establishment; procedure	1957	324
Fixed by municipalities; acceptance by county commissioners mandatory	1957	752
Bulldozer, purchase of in cooperation with city of Okeechobee; authority	1957	138
Business transaction with corporation, one commissioner has major interest; legality	1953	138
Candidates	1959	578
Commission; city council members; eligible	1951	258
Name omitted from ballot; violations; authority	1953	88
Nominated by districts, should be	1931	556
Public office; eligibility by; without authority	1953	91
Refund, mandatory	1925	331
Sheriff; eligibility	1947	119
Suit by defeated candidate against canvassing board; payment of attorneys' fees	1947	108
Capital investments; payment from excess fees accounts	1945	235
Cattle districts, redistricting	1935	234
Chairman		
Rubber stamp, signing warrants	1935	238
Tie exists, entitled to vote when	1929	387
Changes, method of making	1929	400
Charges against certain	1919	109
Charity funds	1921	130
Circuit judge	1924	124
Office expenses; payment	1947	24
Stenographer, whether authorized to pay court reporter for acting as	1927	343
City tax collector, county commissioner as	1913	232
Civil defense, observation tower, expenditure of county funds; authority	1957	327
Civil engineer, employment, authority	1911	65
Claimants, authorized to pay certain	1927	336
Claims not presented within one year barred from payment	1939	37
Clay, exchange services for	1949	173

Subject	Year	Page
COUNTY COMMISSIONERS (cont.)		
Clay pit; purchase outside own county	1947	147
Clerk		
Candidates filing fees and party assessments, distribution	1959	534
Compensation	1905	142
	1931	564
	1951	42
Clerk of circuit courts		
Compensation, payment of additional	1947	27
Office employees; authority to hire	1949	37
Commissioners' districts	1935	237
Boundary changes; two thirds registered electors in district required	1931	487
Commissions on money received for convict hire, no authority to pay sheriff	1913	202
Compensation	1907	186
		193
		196
	1927	288
	1931	491
Budget, not authorized to allow for preparing	1931	477
Clerk circuit court to act as clerk	1929	388
Construction of law	1931	551
Counties, certain	1953	144
Determination; special county census; effect	1957	265
Expenses, and	1955	647
Hillsborough county	1945	241
Madison county	1931	381
Marion county	1947	142
		143
No extra	1919	100
Okaloosa county	1955	239
Compromise claims, board of county commissioners, not comptroller, authorized to approve settlements	1933	218
Compromise settlements of accounts owed to county; legal authority to enter	1959	582
Conditional pardon, effect on bonds	1927	290
Constables, purchase of equipment, etc., for	1959	10
Contracts		
Awarding; vote of less than a majority of those present; legality	1955	300
Benefit of themselves, for; not authorized to enter into	1931	550
Bids with escalator or posted market price clauses; acceptance, authority	1953	150
Certain not authorized	1919	117
Competitive bids; repairs to equipment; Escambia county	1949	185
		381
		382
County; with; without authority to make	1927	290
Employees; contracts beyond term of office not authorized	1935	235
Jurisdiction of commissioners after awards; final	1955	99
Member of board, prohibited	1907	193
Minor son of commissioner, prohibited	1927	310

Subject	Year	Page
COUNTY COMMISSIONERS (cont.)		
Contributions		
American Legion home, unauthorized to make to	1931	467
Civic organizations, without authority to contribute public funds to	1949	200
County publicity; authority	1949	175
		180
Drainage program; expenses	1947	148
Fisheries association	1947	148
Float for inaugural parade	1947	152
Private hospitals	1945	237
Race track funds; school operations; authorized	1951	403
Real property	1945	454
School band	1945	243
United States forest service	1945	241
Women's club; validity	1951	231
Convicts		
Clothing and medical supplies, authority to buy	1933	213
Employment on county roads, compensation not authorized	1931	529
Equipment for feeding	1943	511
Highways and streets, employment not authorized	1931	636
Hiring; authority	1931	496
Lease to another county; authority	1927	224
Manual labor, may require	1927	296
Trusty; work in constable's office	1943	511
Wages, payment not authorized	1923	150
Coroner's inquest; no authority to question	1905	64
Corresponding secretary for county advertising, no authority to employ	1935	232
Cost bills		
Affidavit; capias; no property found	1949	620
Coroner's, approval	1941	778
County judge, liability	1937	61
Required contents	1943	188
Sheriff's; mandamus to compel payment	1927	395
Costs in certain cases; payment withheld until indictment is found or information filed	1905	174
County attorney		
Employment, duties	1945	238
Member of board as, not authorized to employ	1923	212
County board of public instruction, repairs	1943	178
County bridges, fire insurance covering	1951	496
County convicts, additional gain time; authority to grant	1959	347
County depository, construction of law	1931	511
County deposits, duty	1925	319
County employees, less than six months service; vacations; authority	1953	138
County engineer, employment; authority	1949	181
County foreclosure property; defective title; reimbursement	1949	180
County funds		
Administration and disbursement by public welfare department; authority	1959	145

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY COMMISSIONERS (cont.)		
County funds (cont.)		
Certified copies of death and birth certificates, received; allocation of appropriation; authority	1955	687
Clerks, payment; financial reports; liability	1949	189
Commissioners without authority to require funds kept by certain persons	1905	180
County officers, payment; liability	1949	159
Defense programs, method to provide for	1941	347
Deposit	1943	187
Expenditure by noncounty agency, association or corporation; authority	1955	657
General welfare and hospitalization fund; poor and indigent persons; home authorized	1949	186
Handling	1931	308
Money in one fund to another, authority	1931	630
Oyster culture, may use to promote	1913	141
Public aid, administration	1941	543
Publicity, expenditure	1945	242
Surplus		
Investment; regulations	1953	136
Lending to school board; authority	1945	241
Transfer authorized upon approval of state comptroller	1939	40
Use; procedure	1945	250
Surveys in connection with election to relocate county seat, use for	1959	176
Transfer		
Chapter 18023	1937	60
Emergency; bridge	1949	170
Money in one fund to another		
Repayment	1935	234
Without authority	1905	155
Withdrawal of certain, not authorized	1931	268
County hospital trustees' annual request for funds; showing of cash-on-hand balance in fund	1957	361
County jail		
Cleanliness and supplies, responsibility	1947	157
Equipment, supplies and utensils furnished sheriff for upkeep and repair	1947	151
Erection; financing	1949	193
Fuel for cooking for prisoners	1949	39
Jailer		
Compensation	1905	97
	1929	322
	1941	39
Employment and firing, unauthorized	1929	324
Jailer's servants; compensation; payment	1945	114
Levy of taxes and making contracts for building, governed by §§1556, 1557, R. G. S.	1927	291
Matron to care for women prisoners	1949	39
Prisoners of city, incarceration temporary emergency basis	1949	209
Repairs, plumbing, etc., use of road and bridge fund allowed	1957	671

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY COMMISSIONERS (cont.)		
County jail (cont.)		
Sanitary condition	1943	175
County judge		
Criminal costs; payment	1945	753
Juvenile court judge, acting as; compensation	1925	321
	1929	389
Office		
Equipment; duties	1945	234
Expenses; supplies; furnishing	1943	134
		177
Sheriffs; fees and mileage; payment	1949	197
County lands		
Clay, sale; authority	1949	175
Sale of		
Cancellation of sale	1947	203
Purchase by commissioner; legality	1947	218
County officers and employees		
County manager and engineer, employment; without authority	1949	181
Funds turned over at end of each year	1929	353
Group insurance; workmen's compensation law	1949	442
Legal fees from collection of delinquent taxes; without authority to waive rights	1939	38
Payroll deductions as county expense; authority	1957	41
Supplies furnished	1904	60
Traveling expenses; payment	1945	237
County offices, annex; location outside county seat; authority	1955	251
County property		
Conveyance; authority	1931	516
Giving away, prohibited	1927	298
Lease		
Authority	1957	79
Federal government	1943	180
Protection; drainage	1945	236
Real property, sale	1945	243
		312
Sale and conveyance; without authority	1939	44
County records, authority to purchase	1929	329
County roads		
Establishing; method	1945	265
Funds		
Expenditure; authority	1929	326
Municipalities; division between	1949	392
Width of municipal streets maintained by county under agreement; highway code	1955	388
County school fund, may allot race track funds to	1933	421
County seat, change in location; petition; duties of county officials	1955	595
County superintendent, salary; authorized to pay	1925	335
County surveyor; liability for bond premium	1947	126
County tax equalization board See: COUNTY BOARD OF EQUALIZATION		
County traffic officers		
Funds budgeted and paid for maintenance; authority	1957	207
Liability insurance premiums; private automobiles	1949	199
		337

Subject	Year	Page
COUNTY COMMISSIONERS (cont.)		
County warrants, interest on, without authority to promise payment	1931	515
County welfare funds recipients; loyalty oaths not required	1949	594
County-wide beautification program, if authorized to divert certain fund	1927	292
Court reporters' salaries as judge's secretary; payment by county in which judge resides	1947	29
Courthouse space, rental to private business; authority	1957	286
Criminal cases		
Costs	1927	297
Payment, powers	1905	179
		181
		182
Dairies and milk plants; jurisdiction	1947	472
Death of candidate for county office; refund of filing fee	1947	91
Delegates, expenses; authority to pay	1929	296
Delinquent county officers, duties	1931	560
Delinquent tax lists; selection of newspaper for publication	1931	555
	1935	86
Dependent children emergency fund, maintenance	1941	542
Deputy sheriffs		
F. B. I. academy, attendance; payment of expenses	1947	153
Filing names; bonds	1945	120
Medical expenses of wounded; payment	1947	141
Service at election precincts; compensation	1957	556
Serving as	1945	127
Wounded in line of duty; power to bear medical expenses	1947	141
Dike or levee; building or maintaining, no authority	1949	181
Districts		
Establishment; clerk's failure to certify to secretary of state; effect	1905	201
Member must be resident	1913	222
Redistricting		
Abolished district, term of office, completion	1951	223
Effect	1945	170
		178
	1947	63
		65
		104
		105
		286
Mandatory according to population	1947	616
	1951	222
Method	1933	214
School board member district, effect	1953	322
Special census, effect	1957	366
When effective	1927	313
Registration officers; compensation payment	1947	66
Road and bridge funds; transfer to Brevard mosquito control district	1949	190
Docket fee of judge; clerk; flat fee law; effect	1949	52
Drainage program; contribution to expenses	1947	148

Subject	Year	Page
COUNTY COMMISSIONERS (cont.)		
Dual offices		
City tax collector, member holding office	1913	232
Deputy sheriff, appointment	1945	127
Dog track, commissioner as employee	1951	611
Pilot commissioner, eligibility to serve	1947	627
Supervisor soil conservation district	1949	181
Duties	1925	362
Delinquent	1931	560
Elected by county at large	1913	203
Election See: ELECTIONS		
Electricity		
Furnished unincorporated community, expenditure of county funds for payment; authorized	1959	103
Use by private business at flat charge; photographing public records; authority	1957	286
Elisor; appointment; compensation; county liability	1949	54
Employees		
Expenses while engaged in certain duties; authority to pay	1929	321
Group insurance; method of handling	1929	362
Hiring	1949	161
Employment in other work	1935	232
Equalization board		
Acting as; powers	1945	299
		301
		304
Assessments, equalized, powers	1905	197
Fifteen days' notice required	1925	373
Required to act as	1929	387
Tax rolls; errors, authority to reconvene after adjournment	1949	178
Taxes, authorized to equalize	1925	305
Valuations, may raise when setting as	1917	428
Equalization of assessment of property not returned under oath	1947	206
Equipment; rental purchase agreement; no time limit	1949	171
Erroneous land sale		
Purchaser's expenses; liability	1945	235
Refund of purchase price	1945	303
Error and insolvency list, approval of does not discharge tax	1929	326
Estreated bail bonds, compromise of judgment; county commissioners authorized to accept offer	1933	212
Estreated cash bonds; prosecuting attorney; compensation	1949	189
Ex officio officers of districts; depository accounts, laws governing	1959	555
Exemptions, authorized to allow	1923	256
Expenditures		
Controlled	1927	294
Three hundred dollars and over	1921	256
Expenses		
Members, authorized to include in budget certain items	1929	289
Operating ferry outside of county, not authorized	1939	37
Payment; authority	1931	554
Primary election; liability	1945	192
Probation officer, left to discretion of board	1931	553
Reimbursement	1941	133

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY COMMISSIONERS (cont.)		
Expenses (cont.)		
Road department meeting; payment unauthorized	1917	450
State association		
Dues; duties	1935	236
Meeting, attendance; payment if provided in budget	1933	211
Travel expenses outside county on county business, payment	1955	181
Fairs, contributions	1921	385
Federal government, authorized to employ person to work with	1931	555
Fee officers, office equipment; purchase	1939	56
Feeding prisoners	1931	399
Sheriff's fees; fund from which payable	1947	158
Supervision and control	1931	380
Fees		
County officers		
Application of law	1931	702
Local law, cannot be fixed by	1927	289
Payment; not authorized to designate	1927	320
Delinquent taxes, not to waive rights county officials to legal fees for collection	1939	38
Excess		
County judges required to turn over at end of fiscal year	1949	196
End of fiscal year; future shortage; no provision	1949	195
Provision	1949	195
Feeding prisoners, received for; entitled to have report from sheriff	1929	317
Furnishing copies of records to veterans, clerk's fees	1945	232
Payment; method	1931	563
Physician's fee, autopsy, coroner's inquest; payment	1951	783
Recording, deeds of housing authority, waiver	1941	553
Reimbursement, not authorized unless permitted by statute	1937	54
Fine and cost bonds; duty to enforce liability against sheriff	1945	124
Fine and forfeiture fund, transfer of certain funds unlawful	1927	288
Fire control units		
Establishment and maintenance	1945	232
Referendum	1945	246
Fire fighting equipment; purchase; competitive bids	1951	226
Fire insurance, purchase; board member	1951	729
Fire truck; no authority to purchase and lease to city	1949	172
Firm, member of, employed by; contract bids by firm, disqualification	1955	99
Fish and game warden, appointment by governor	1905	139
Florida century of progress commission		
Funds and exhibits, certain; authorized to be used at exposition	1931	354
Transfer of certain moneys for use of, construction of law	1931	933
Forest and park service; determination of millage rate	1939	304

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY COMMISSIONERS (cont.)		
Former owner; reconveyance of property	1945	311
		316
Fraudulent registrations, illegal voting investigations; appropriation	1951	199
Freeholders list; bond election; purging; authority	1957	136
Fresh water fish, regulations; no authority; Brevard county	1951	506
Game and fresh water fish commission agreements with United States forest service; cooperation with	1953	424
Gasoline tax See: Gasoline tax under GASOLINE		
Grand jury's expenses, court reporter, stenographer and special detective, payment not authorized	1923	218
Groves, special officer to protect; employment	1945	237
Guard, servant or jailer to assist sheriff at courthouse and jail; liability for payment	1927	125
	1939	64
	1951	49
Hardship law; discretionary powers	1945	315
Health tax fund, Manatee county, to be remitted	1937	99
Health unit, not authorized to borrow against anticipated revenue	1927	55
Home for aged; purchase of furniture without readvertising for bids	1947	143
Homestead exemption		
Application; review after disapproval by assessor	1947	194
Tardy applications	1945	287
Hospital, construction and maintenance; financing	1945	261
Impounding officer; employment	1945	245
Indictment, leaves of absence while under; pay	1947	151
Indigent children, authorized to pay necessary expense for care	1931	626
Inspection of office and records, every three months, law requires	1933	217
Inspectors' marks and brands, authorized to recommend	1933	216
Insurance		
Group; workmen's compensation; authority	1949	442
Three-year contract; purchase; authority	1951	234
Interest and sinking fund, \$400.00 from legally transferred	1937	425
Invoices, splitting		
Clothing for convicts; purchase	1949	187
Road districts; materials; purchase	1949	188
Jail See: County jail, this heading		
Judgments, compromise and settlement	1941	135
Jurors selected as individuals; white or black requirements	1949	76
Justices of the peace	1945	246
Claim barred by lapse of time	1947	51
Districts		
Abolishment	1941	61
	1951	60
Authority	1927	116

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY COMMISSIONERS (cont.)		
Justices of the peace (cont.)		
Districts (cont.)		
Altering	1945	140
	1947	616
	1951	60
Consolidation	1927	366
		380
	1931	507
Division of county	1945	139
Enlarging; authority	1937	54
Requirements	1927	292
Fees		
Payment	1945	141
Trial jurisdiction; Madison county	1949	68
		69
Florida statutes, supplying to	1949	172
Office expenses	1945	246
Monroe county	1949	61
Supplies and equipment, purchase; authority	1951	231
Juvenile court		
Judge		
Compensation		
Limitation payment	1951	68
Retroactive	1947	160
Salaries and operating expense; appropriation	1955	739
Kanner bill		
Gasoline tax money under; authority to use	1933	74
Purchase of bonds under; by resolution	1933	217
Lafayette county; compensation	1957	726
Land purchases; taxes encumbering; cancellation	1949	226
Lands zoned for agricultural purposes; assessment; duties	1959	737
Legal services, contract for; authorized	1905	203
Legislative acts; publication by	1905	152
Letters	1931	547
Levee or dike; construct or rebuild; no authority	1949	181
Liability insurance; power to carry	1947	145
License		
Authorized to issue	1923	242
Inspector, power to employ	1947	251
Liquor sales; zoning and planning boards; churches and schools	1949	492
Livestock roaming on highways; enforcement; duties	1949	505
Loyalty affidavits; duplicates; county judges and employees	1949	593
Lumber building supply business; member, partner, purchases; competitive bids	1949	577
Machinery		
County road fund use; rent, purchase	1949	179
Rental-purchase agreement; advertising, competitive bidding required	1949	170
Majority rule; road and bridge funds; expenditure	1947	139
Manatee or sea cow; permit, issuance	1951	517
Manufacturers, granting tax exemptions	1945	233
Maps; authority to purchase	1949	187
Materials, excess \$300.00; competitive bids required; authority construct sidewalks	1949	171

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY COMMISSIONERS (cont.)		
Medical and surgical expenses incurred in treatment of prisoners and indigent in a county; payment	1959	39
Members of board		
Felony, commission by; suspension; authority	1939	39
Purchases from	1921	358
Memorial library and museum association, contribution of county funds to; authority	1957	592
Miami Retreat, Inc., member as receiver; mental patients; continued pay, legal	1949	577
Mileage	1933	215
Fees, authorized to pay certain	1923	207
Highlands county, outside limits; authorized	1949	173
Inspection, roads and bridges	1917	374
	1931	486
	1949	176
		179
Other expenses; payment; authority	1937	57
Salaries	1933	215
Traveling together in private automobile; one person allowed mileage	1949	72
Military leave of absence		
Acting commissioner, appointment	1943	164
Status	1949	156
		158
Millage		
County schools		
General school fund, certification to tax assessor	1931	517
Levy by	1905	162
School board, recommended by; no authority to change	1913	187
	1929	376
Furnishing to assessor, time	1947	204
Modified health unit, duty	1937	260
Mosquito control, budgeting county funds; authority	1955	250
Mothers' aid		
Duty devolving upon board	1927	257
Payment; authority	1931	606
Motor vehicles		
County employees; effect of financial responsibility act	1949	173
Negligent operation, tort for; liability	1947	384
Operation on highways, authorized to grant permission for	1927	458
Tags; office supplies for tax collector	1949	365
Motorboats, operation in adjacent waters; local legislation to control; enforcement	1957	501
Municipal property; swimming pool; auditorium; negroes; use, county funds not allowed	1949	308
Navigable waters, right of way procuring by eminent domain for public use; authority	1959	275
Nepotism prohibited	1949	160
		161
	1951	215
Newspaper owner; tax assessor, office printing; purchase; legality	1951	254
Noncapital cases; indigent defendant; counsel fees unlawful	1949	606

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY COMMISSIONERS (cont.)		
Nonclaim act not applicable to bills for statutory compensation	1939	43
Office		
Equipment, purchase of by county officer from fee account without consent of	1955	730
Expenses and supplies, payment	1933	208
Space in courthouse, furnishing of; authority	1955	132
When deemed vacant	1925	306
	1931	865
Official duties, authorized to perform only at regular meeting	1923	297
Old books, transcribing of; authority to order	1904	71
Outstanding indebtedness, authorized to set millage and make levy to pay	1937	583
Overflowed areas, drainage; powers	1945	503
Overpayments in commissions, right to recover; construed	1929	371
Oysters		
Assistance in paying for planting; authority	1937	56
		287
Lease; power to terminate	1945	509
Parking spaces upon school property, construction; authority	1957	110
Partial tax roll, approval	1945	308
Paving of roads on school grounds; improve and beautify, authorized	1939	213
Payment of interest or contract for payment of interest; absence of authority; prohibited	1957	692
Payroll warrants, approval prior to end of payroll period, legality	1959	570
Per diem, \$200.00 per year is maximum amount county commissioner may receive	1933	212
Personal property		
Sale; bids not required	1951	230
Tax, not authorized to employ an attorney for collection, remedy in case of default	1933	215
Valuation of, raise or lower; on assessment roll; power	1905	161
Petroleum products, member as distributor; purchases from	1949	576
Photostat machines; buy, equip, operate; authorized	1933	207
Physician, employment	1941	131
Pistol, permit to carry; authorized to grant	1931	851
Platted subdivision, resurvey	1945	266
Playground and bandstand; disbursements, authority	1945	552
Pledge bonds on hand for loan; sell same for benefit of maintenance fund; authority	1933	219
Plumbing inspectors; appointment, etc.	1947	461
Poor and indigent		
Assistance; rules	1949	174
Caring and providing for	1931	500
Port authority		
Members, other than county commissioners; legality	1959	602
Race tax revenue, pledging of, as security for revenue certificates; legality	1959	602
Postmaster, as; not eligible for both offices	1904	71
Postwar fund; termination of power to levy tax	1947	140

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY COMMISSIONERS (cont.)		
Postwar planning	1943	181
Precincts, cannot legally disregard certain	1927	369
Preliminary hearing, discharge of accused on; cost, duty of county to pay	1953	691
Prison farm lands in Bradford and Union counties; assessment	1957	529
Prisoners		
Care for; authorized to provide	1923	233
Hospital and medical expenses; liability	1945	234
Medical supplies and clothing; authority to buy	1933	213
Transportation to Raiford; sheriff's fees	1949	630
Work; authority	1929	350
Probation officer		
Assistant; authority to recommend appointment	1927	341
Certain expenses of; authority to pay	1927	439
Professional property appraisal company, employment, as well as appointment of board of appraisers; without authority	1957	737
Property		
Owners, indigent; aid to, authority	1953	151
Sale		
Nonpayment of taxes; duty	1955	76
Public sale only authorized	1949	172
Prosecuting attorneys		
Employment	1935	680
Compensation	1945	238
		239
		240
Compulsory	1951	236
Fees	1947	165
	1949	99
		182
Preliminary hearings, duties	1951	232
Public beach; purchase of land for; installment contract basis; authority	1953	471
Public funds; annual statement; publication	1905	184
Public printing, contracts; regulation	1957	102
Public records; microfilm negatives furnished to abstract companies; public officials, authority	1957	338
Public recreational park; liability insurance; authority	1957	37
Publicity purposes, may use certain fund for	1923	235
Purchases		
Company in which commissioner is interested or is stockholder; legality	1935	233
	1945	731
Equipment, etc., for constables; without authority	1959	10
One check for two purchases; issuance	1945	242
Purchasing agent		
Chairman acting as	1947	140
Employment	1947	140
Racing act, interpretation of in re disposition of money received	1931	970
Racing funds		
Distribution	1931	476
Payment to school board; time	1945	390
Railroad assessment board, assessments made by; change by board of equalizers, without authority	1957	661

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY COMMISSIONERS (cont.)		
Real estate appraisers employed by commissioners under supervision of tax assessors; authorized	1957	862
Real property, purchase		
Garage or storage space, for; authority	1957	396
Member of board, from; violation of law	1957	901
Recreational facilities, public; extension and repair; taxes	1949	235
Registration books		
Erasing certain names from, duty	1925	361
Revision; authority	1923	210
Relatives, hiring; nepotism prohibited	1949	160
		161
Relief, authorized to furnish	1923	214
Removal for failure to reside in district	1933	209
Rental purchase agreement		
Limited time not required	1949	171
Machinery; competitive bids required	1949	170
Repairs of courthouse and jail; procedure	1945	251
Residence, temporary employment outside district	1941	127
Revenue bonds; county hospital, bonds held invalid; use of funds collected	1957	78
Reward, public funds, use of for; arrest and conviction of criminals	1905	171
	1955	173
Right to office forfeited, procedure when	1933	214
Rights of way, spoil areas, etc.; acquire and furnish for public waterway, etc.; authority	1957	375
Roads and bridges		
Budget control, funds freed of	1949	272
		274
Districts; purchasing materials; splitting invoices	1949	188
		385
Establishment	1947	398
	1949	185
Prescription, by; authority	1951	497
Funds		
Expenditure through majority rule	1947	139
Use; authority	1923	212
Improvements, power of board to use tax revenues to finance; authority	1957	711
Inspection; mileage allowance; Highlands county	1949	176
		179
Machinery; authority to lease with option to buy	1947	147
Road overseer, should not be	1917	408
Tolls, without authority to collect	1923	225
Rock material, purchase from clerk of circuit court; validity	1951	226
Salaries		
Hillsborough county	1945	241
Increase; legislative enactment	1947	156
Mileage	1933	215
Receiving two salaries from county	1907	162
Sales to county by firm represented by member; violation	1949	575
		578

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY COMMISSIONERS (cont.)		
Salt water fishing, boats and seafood dealer's license, requirements	1951	509
Sarasota county; present funding of special assessment, collected in future; without authority	1957	711
Scholarships, agricultural, full amount of cost, payment	1955	174
Second provision funds, allocation	1941	141
Section 1526, R. G. S., construction	1927	288
Section 2223, C. G. L., construction	1931	551
Service officers; employment; number	1945	476
Services		
Not contracted for, payment	1945	343
Prosecuting attorneys, not authorized to dispense with	1931	547
Settlements		
Compromise claims that have been reduced to judgment when the same are not collectible; authorized to approve	1933	218
County officers and board of county commissioners, between; legal effect thereof	1929	304
Making; authority	1933	218
Sheriffs		
Compensation; authority	1925	311
Costs		
Certain funds authorized to be transferred from payment	1931	630
Fees; arrest in another state	1949	619
Payment; authority	1937	73
Eligibility as candidate for	1947	119
Feeding prisoners; fees; payment	1941	139
Meetings, attendance and compensation	1941	137
Mileage and expenses for out-of-state trip; payment	1947	42
Per diem allowance; small claims court	1951	51
Radio equipment		
Operators' salaries, payment	1951	53
Purchase	1947	146
Rent; purchase	1949	195
Telephone and telegraph bills; apprehension of criminals; payment	1951	241
Sidewalks, construction		
Adjacent to school property; expenditure of county funds	1957	39
County roads adjacent to public schools; authority	1955	364
South Florida hospital; property, authority; Highlands county	1949	177
Special road and bridge district, \$588.89 from, authorized	1937	426
Special tax school district		
Adjustment of accounts	1931	552
Bonds, authority to make levy for	1929	412
Splitting invoices; purchase of clothing for convicts; bids	1949	187
State association; expenses and dues when attending	1935	236
State attorney, when commission authorized to reimburse for funds expended	1931	561

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY COMMISSIONERS (cont.)		
State auditor authorized to reject item in report	1931	671
State highways, authority to expend money to beautify and maintain	1929	321
State road department, may turn over bonds or proceeds to	1923	211
State roads; promoting construction, repairs; use of road funds	1949	380
Stockade		
Prisoners, uniforms, food, etc., for; use of road and bridge fund allowed	1957	671
Separate from county jail; repair and operation; use of road and bridge fund; commissioners, authority	1957	671
Storm warnings by radio broadcast; county funds expended for; prohibited	1953	140
Streets in municipality; maintenance	1947	398
Subdivision plats, standards for construction of roads built by private developers; powers	1957	357
Sunday sales regulated, outside municipalities	1949	497
Superintendent of buildings; road and bridge repairs; duties and compensation	1905	54
Superintendent public instruction, not authorized to reduce salary	1931	607
Supervisors of registration		
Assistant, deputy		
Appointment, authority	1951	114
Compensation; payment	1949	142
		143
Election law, aid in carrying out provisions of; duties	1927	408
Salary reduction; authority	1931	647
Supervisors soil conservation districts, ineligible to hold office of	1939	422
Supplies, furnishing of	1904	60
Tangible personal property owned by county; supervision and management; authority	1959	461
Tax assessor See: TAXATION		
Tax collector See: TAXATION		
Tax foreclosed lands See: TAXATION		
Telephone and furniture necessary items of equipment for fee officers	1939	53
Term of office, when begins	1935	236
Toll telephone, public; authority to permit installation	1953	149
Trading property over \$300.00, competitive bids required	1949	169
Traffic guards, employment, authorized	1951	396
Traffic officers		
Appointment, compensation and uniforms; law construed as to	1927	372
Employment		
Authority	1937	59
Compensation; Polk county	1951	255
Traffic on county road, authorized to regulate	1927	298
Travel expenses of clerk and deputy attending certain meeting; payment authorized	1957	826
Trucking service of commissioner; doing business with county; legality	1959	578

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY COMMISSIONERS (cont.)		
Tuberculosis hospitals		
Beds in, may contract for	1935	233
Patients admitted; expenses, liability	1951	523
		525
		526
Tuberculosis patients, indigent; contributions of county funds to hospitalization	1947	429
Vacancy in office		
Candidate, method of nominating	1945	180
Removal from district, upon	1915	299
	1921	389
	1929	323
	1955	240
Expenditure of fund	1927	294
When deemed	1925	306
	1931	865
Vacant building, lease, competitive bids, requirements	1951	228
Valuations		
Change		
After August meeting; authority	1917	357
To affect total	1913	185
Lands, not authorized to reduce	1931	690
Vending machines in courthouse authority to permit installation	1947	149
Veterans		
Homesteading by; lands available	1945	450
Rehabilitation, employment of officers for	1943	183
Service officer; county school finance officer; eligible both offices	1949	343
Voting machines, ballots for, preparation	1943	147
Wakulla health clinic, lease portion of; authority	1955	242
Watchmen and toll bridge tenders, authorized to employ	1929	323
Water and sewer systems regulatory act, effective date	1959	344
Water distribution system		
Franchises		
Exclusive, without authority to grant	1949	176
Power to grant	1947	139
Weapons, firearms; license, issuance	1951	722
Witness fees to be certified	1925	333
Workmen's compensation		
Assessment, not liable for under law	1937	335
County employees, entitled to	1949	440
		441
Zoning		
Alcoholic beverages; powers	1947	492
	1951	624
Beer sales on Sunday; powers	1949	496
County convicts See: CONVICTS;		
PRISONERS		
COUNTY COURTS		
Capias; issuance by clerk after guilty plea or posting appearance bond	1947	599
Cases		
Bound over from committing magistrate, authority to refuse to file information in	1931	587
Certified from circuit court; information filing not required	1949	36
Constables' fees for attendance	1945	138
		139

Subject	Year	Page	Subject	Year	Page
COUNTY COURTS (cont.)			County detective; office, termination	1931	767
Conviction; sentence vacated; subsequent indictment	1951	774	COUNTY ENGINEERS		
Counties having criminal courts, jurisdiction in	1937	127	Lost or obliterated markers, replacement of; authority	1957	312
Criminal cases, clerk's compensation for	1955	261	New sections or 1/4 section corners, establishment; authority	1957	312
Delinquent tenants, jurisdiction for removal	1931	837	Roads and streets; registration with engineering society or board	1957	357
Docket fee in civil cases	1943	124	County executive committees See: ELECTIONS		
Embezzlement, charge within jurisdiction when value is alleged to be \$22.50	1927	229	County fair associations; expenditures of funds for buildings; conditions; maximum amount	1957	326
Executive officer; fees	1945	138	County finances; budget commission, Polk county, expenses of members, reimbursement	1941	138
Flat fee law; effect upon docket fee of judge	1949	52	COUNTY FIRE CONTROL UNITS		
Information filed; certified cases; capias; service	1949	606	See also: FIRE CONTROL DISTRICTS		
Judge			Establishment and maintenance	1945	232
Candidates for, qualifying date	1951	128	Referendum; failure to print question on certain ballots	1945	246
Compensation	1945	252	State aid; apportionment	1943	456
	1947	30	County foreclosure lands See: FORECLOSURE		
		34	County forester; expenditure of school funds not authorized	1937	24
Ex officio judge of juvenile court; compensation, annual report; Escambia county	1951	248	COUNTY FUNDS		
Person not a lawyer; eligibility	1947	29	See also: COUNTIES; COUNTY COMMISSIONERS; FUNDS		
Salary must be reported	1931	569	Advertising and publicity; expenditure; authority	1955	664
Jury fees			Annual statement	1905	184
Payment in unlawful detainer suits	1943	130	Appropriation		
Requisition for	1937	131	County commissioners; purposes	1945	236
Law enforcement officers outside county summoned to testify; witness fees and mileage, payment	1957	184	Playground and bandstand	1945	552
Narcotic law violation; jurisdiction	1943	367	Civil defense, observation tower, expenditure of county funds; authority	1957	327
Official reporter; appointment	1947	28	Convicts, derived from the hire of; transferable	1909	64
Prosecuting attorney			Coroners' inquest fees; payable from certain funds	1949	615
Acting; appointment by judge	1945	786	County attorneys, attending meetings out-of-state; expenses, payment	1955	912
Assignment to another county	1945	786	County commissioners		
Candidates for; qualifying date	1951	128	Budget		
Compensation; Madison county	1949	52	Items, transfer of; procedure	1945	250
Fees; county judges' courts	1949	53	Transfer of funds; authority	1951	240
Informations filed in county court; acknowledgments not required	1959	482	Unanticipated; amendment; to expend during current year	1953	156
COUNTY DEPOSITORIES			County judge; deposit with state treasurer	1937	131
Banks; payment of school warrants	1947	154	County officials; expenditure for certain entertainment; authority	1957	867
Canaveral port authority bonds deposited, not acceptable	1951	246	County retirement system expense; use of unexpended balance	1945	262
Funds taken from, how	1935	217	Court registry See: REGISTRY OF COURT		
Interest payments			Defective bridge, liability for	1917	104
Bank required to pay 2% on daily balances	1927	305	Dependents, support of; contempt citation, serving of; sheriff's cost, payment	1953	63
Requirement of; surety bonds authorized; construction of law in re	1931	511	Depositories		
Mosquito control district funds; chapter 59-23 is inapplicable to	1959	216	Security acceptable	1943	186
Plumbing inspectors' fees, deposit	1951	255	Taking from; method	1935	217
Public money cannot be deposited with one unless consent of others obtained	1927	194	Fee officers, expenditure of funds for national convention	1955	883
Section 1560, R. G. S., construction with reference to	1927	176	Gasoline tax		
Security	1921	185	Excess; budget amendment; authorized	1949	274
Acceptable	1943	186	Transfer of moneys received from; construction of chapter 15759, in re	1931	558
Approval	1921	192	Handling, method of	1931	308
		195			
		197			
Bond trustees, to	1921	248			
Delivery, to proper board	1929	358			
Required	1929	324			
Tax collector; deposit of county funds	1943	187			

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY FUNDS (cont.)		
Home for aged and indigent, general welfare and hospitalization	1949	186
Housing authority bonds as security for deposit; eligibility	1957	144
Interest	1911	41
Payment by banks, when required	1931	892
Junior college, establishment; county school board, authority	1953	319
Lower Tampa Bay bridge ceremony, expenditure of	1953	143
Memorial library and museum association, contribution of county funds to; authority; county commissioners, authority	1957	592
Mosquito control, budgeting funds for; authority	1955	250
Municipalities		
Roads, construction and maintenance jointly	1949	393
Use for	1917	86
Noncounty agency, association or corporation, expenditure by; legality	1955	657
Petty cash, stolen; school board, responsibility	1951	409
Playground and bandstand, disbursement for	1945	552
Plumbing inspector's fees		
County health director, handling of; legality	1951	255
Disposition	1951	255
Probation and parole officer, Polk county; compensation; payment	1945	758
Prosecuting attorneys, annual dues to national association, as county expense	1955	908
		912
Public aid, administration for	1941	543
Public funds, donations from; commissioners; authority	1949	200
Public health units; duties; disposition	1949	200
Publicity, expenditure for	1945	242
Road funds, power to pool	1947	139
Schools See: SCHOOLS		
Securities or surety bond, status of when not covered by	1925	200
Separate funds, records of; withdrawal	1905	209
Services not contracted for, payment for	1945	343
Sidewalk adjacent to school property, construction of; county commissioners, authority	1957	39
Sinking fund, investment; when new bonds should be taken	1925	206
Storm warnings by radio broadcast; expenditures of, prohibited	1953	140
Supplemental budget, transfer of appropriated moneys to general fund; legality	1957	52
Surplus		
Investment of; regulations	1953	136
Lending; authority	1945	241
Transfer	1939	40
Use, procedure	1945	250
Traffic guard employment, payment	1951	396
Transfer	1904	70
	1905	155
		187
	1921	235
		313
	1945	249

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY GUARDS		
See also: GUARD, FLORIDA STATE; MILITARY FORCES; NATIONAL GUARD		
Accounts against; state not liable	1919	84
Attendance at drill, compelling	1917	138
		218
Bonds for rifles furnished, proper party to execute	1917	132
		192
Disbarment	1919	71
Expenses		
How paid	1919	96
Tax to pay	1917	125
Officers		
Authorized	1917	172
Removal of	1917	191
	1919	60
	1917	152
Women not eligible		
County health officers See: HEALTH		
County health units See: HEALTH		
COUNTY HOSPITALS		
See: HOSPITALS		
OASI See: SOCIAL SECURITY		
County jails See: JAILS		
COUNTY JUDGE-COUNTY JUDGE'S COURT		
Absentee elector, oath; not authorized to charge for	1931	584
Additional judge, Dade county; constitutionality doubtful	1949	56
Administration, order of; petition; unnecessary when	1953	639
Administrator of estate		
Accounts, approval; duties	1929	335
Missing heir's share; depository	1949	79
Purchase home for incompetents; homestead exemption	1949	286
Adultery, living in open state, prosecutions; without jurisdiction	1953	31
Appeals from; office responsible for representing state	1951	776
Assigned judge, compensation as juvenile judge	1959	55
Assignment by governor	1949	55
Assistant clerk; authority; non-judicial functions	1949	56
Bail bonds		
Amount of; duty, to endorse upon warrant	1927	120
Forfeiture		
Collection, disposition of proceeds	1947	596
Procedure for	1947	597
Bail may be fixed by	1927	362
Bar association dues as expense; not allowed	1957	497
Bonds		
Certain duties required, in re Curator; probate act of 1933 (chapter 16103)	1931	573
Game and fish funds lost in defunct bank, advisability of suit on	1935	685
Cast nets; confiscation; fresh water fishing	1933	254
Certificate; boat and fishing license; nonresident; fee	1949	406
Claims; filing; payment of fee	1951	512
Clerks, appointment; authority	1941	755
Commitments, when issuance unnecessary	1929	330
Committing magistrate	1931	566
Fees		
Information; indictment fee	1947	606
	1949	619

Subject	Year	Page
COUNTY JUDGE-COUNTY JUDGE'S COURT (cont.)		
Committing magistrate (cont.)		
Preliminary hearings in criminal cases; trial jurisdiction	1953	689
Common law rules; adopted by the supreme court; not applicable	1949	31
Competency, examinations of; non-residents	1945	538
Conservators of peace; power of arrest	1949	57
Constables		
Commitment directed	1939	66
Executive officer; fees	1945	118
		132
		133
		139
Powers	1941	45
		55
Process, service		
Authority	1953	34
Judicial inquiries of insane	1949	60
Costs	1931	793
Appeal	1927	341
County commissioners, liability	1937	61
Criminal, payment by county	1945	753
Defendant, when not liable for	1927	368
Deposited in advance, when should be	1931	575
Prepayment	1941	781
May require attendance of officer	1919	121
Remission	1943	331
Required in advance, should be	1931	492
Statistical and counsel service not authorized	1937	63
Taxed, to be	1925	332
Court of crimes, substance of supreme court opinion	1927	362
Court of record	1935	261
Court, term of	1921	283
	1927	370
Criminal cases	1931	469
Vacating sentence; lesser sentence	1949	60
Warrant not served; not entitled fees	1949	607
Criminal procedure; prosecuting attorney conviction fees	1951	58
Criminal warrant from justice of the peace of another county, endorsement	1935	261
Crippled child of serviceman; custody	1943	375
Defendant		
Discharge of; no evidence he committed offense; authority	1905	144
Withholding support for minor child; support bonds, authority	1957	789
Delayed birth certificates; alien resident	1945	522
Delinquent children; adjudication; effect	1947	25
Deputy clerk, acting as prohibited	1905	154
Disqualification	1925	95
	1945	716
Procedure	1927	361
Dockets for trials and appearances, person responsible for preparing	1959	272
Drivers' licenses		
Deputies, authorized issuance; legality	1955	820
Fees for issuance by department of public safety	1949	368

Subject	Year	Page
COUNTY JUDGE-COUNTY JUDGE'S COURT (cont.)		
Drivers' licenses (cont.)		
Index of licenses issued under law not necessary	1939	46
Resident of another county, issuance to authorized	1939	492
Drunken drivers		
Charge changed to reckless driving; new affidavit required	1957	531
Conviction; driver's license, suspension; authority	1955	101
Penalties for, enforcement of; powers	1953	688
Election, qualifying date	1951	129
Elisor; appointment; county liable; payment of service	1949	54
Estates probated in other states; recording transcripts	1947	577
Farm colony, commitment to, of residents of other counties; powers	1941	530
Fees; compensation	1925	321
		322
	1931	303
		568
		572
		803
		902
	1937	61
	1947	30
		34
		82
		606
	1949	58
		197
	1955	373
Adjudication guilt or innocence, entitled upon	1949	57
Capias; issuance	1945	134
Cases, certain	1931	808
Certified copies of records to veterans	1945	106
Chapter 11893, application with reference to	1927	367
Chapter 17759, §10; application with reference to	1937	96
Claims; filing; payment	1941	755
Clerk circuit court, fees same as when services identical	1939	52
Committing magistrate, as	1947	606
	1949	57
		619
		620
Conviction, costs of	1939	45
County commissioners		
Approval by	1931	484
Payment by	1949	197
		422
County, when entitled to collect from	1931	1061
Criminal cases	1931	469
	1945	130
Dismissed	1945	134
	1949	607
Preliminary hearing	1935	260
Decedents' estates, for reports on	1935	259
Delayed birth certificates	1945	521
Drivers' licenses		
Issuance by department public safety	1949	368
Law	1939	331
Election services	1941	78

Subject	Year	Page
COUNTY JUDGE-COUNTY JUDGE'S COURT (cont.)		
Fees; compensation (cont.)		
Estate tax law, reports under	1933	254
Excess fees	1949	196
Fishing licenses		
Agent, out-of-state; theft of proceeds; counsel	1949	58
Extra dollar; collection; Hillsborough county	1949	56
Flat fee law; clerk; effect upon docket fee	1949	52
Hillsborough county, law does not apply to	1931	576
Hunting and fishing licenses	1913	265
	1921	165
		240
		324
	1927	358
Inquests of the dead	1949	613
Insanity cases	1931	566
	1947	424
Juvenile court judge, as	1929	389
	1949	60
Law fixing, repealed	1933	255
Marriage		
License; issuance	1931	951
	1939	45
		47
Record; search and copy	1937	63
	1941	48
Report not required	1921	410
Misunderstanding about, refer to state auditor	1931	575
Net income, computation of Okaloosa county; special population act, effect	1945	257
	1957	129
Party incurring cost insolvent; liability of judge	1933	257
Per diem	1941	63
Powers and duties; controlling statutes	1949	58
		619
Preliminary hearing, when accused discharged	1933	255
	1953	691
Probate matters	1945	130
Registrar of dogs; Duval county	1949	196
Report	1931	569
	1949	54
Retroactive pay; juvenile court judge	1947	160
Special acts, cannot be provided by	1927	356
Status, official	1945	252
Tangible personal property list, furnishing to assessor	1941	47
Temporary assignment to neighboring county	1957	447
Transferred to another county	1935	259
	1941	48
Tuberculosis patients, committing	1949	58
Warrants; issuance	1933	256
Felony cases certified to circuit court; custody of papers	1947	31
Fishing licenses		
Operative period	1945	510
Out-of-state agent		
Issuance	1947	404
Theft; counsel fees; office expense	1949	58
Florida industrial school; power; escape of boys; larceny of auto	1949	430

Subject	Year	Page
COUNTY JUDGE-COUNTY JUDGE'S COURT (cont.)		
Forcible entry and unlawful detain-er; judgment for damages	1949	81
Game and fresh water fish li-censes; duty	1953	423
Game violators; guns as appearance bond, sales	1953	695
Guardians		
Accounts rendered by should be recorded	1931	574
Final report of; not authorized to charge for recording	1931	779
Required to make report	1931	778
Gun in possession of person charged with crime at time of commis-sion; forfeiture; authority	1955	546
Highway patrol officer, warrant is-sued by; subsequent warrant is-sued by county judge unnecessary	1953	391
Hunting and fishing licenses, non-residents; resident defined	1931	565
Hunting licenses, if guest required to pay	1927	371
Incompetency		
Drunkenness, by reason of; ad-judication	1945	784
Hearings; service of notice	1945	536
		537
Person declared incompetent in criminal court of record; res-toration to mental competency; without jurisdiction	1957	744
Inquest of the dead		
Authority	1941	779
Costs; directions	1949	415
		614
		615
		616
Death certificates; duties	1949	415
		614
		615
Fees	1949	613
		615
Holding; authority	1931	398
Jurors, compensation	1947	36
Justice of peace, absent; au-thority	1949	612
Powers	1945	753
Insane persons See also: INSANE PERSONS		
Commitment; power to amend	1945	534
Custody pending delivery to state hospital	1945	537
Guardians, appointments	1941	533
Intoxicating liquors		
Destruction	1941	696
Forfeiture; disposition	1943	445
Judgment and sentence		
Delivery of commitment to sher-iff, person responsible for	1959	272
Warrants, endorsement on	1959	272
Jurisdiction	1923	231
	1925	100
	1937	124
Countywide, as committing magistrate; justice districts	1949	65
Courts of record	1943	125
Drunkenness, over	1921	272
Escaped county prisoners, to try	1943	125
Insanity, suggestion of	1945	748
Juvenile judges, as	1941	545
Leon county	1937	124
Liquor law violations	1935	265

Subject	Year	Page
COUNTY JUDGE-COUNTY JUDGE'S COURT (cont.)		
Jurisdiction (cont.)		
Original, reckless driving	1945	132
Prohibition law	1931	572
Punishment and imprisonment; application of law	1931	584
Uniform support of dependents law, without	1953	61
Jurors		
Compensation	1929	327
	1945	150
	1951	76
Fine and forfeiture fund, from	1927	390
Per diem	1923	216
Summoning, method	1945	151
Justices of the peace districts		
Consolidation of two	1927	366
Peace warrants, authority to issue	1949	64
Juvenile court defined to include, limitation	1951	70
Juvenile judge		
Compensation		
Additional allowance	1951	69
Excess fees, not accountable as	1953	170
Vacancy in office, authority to act	1949	60
Licenses		
Issuance; duties	1904	72
Occupational; list of names required to be published	1929	332
	1931	571
	1935	20
Local fish law, without authority to declare unconstitutional	1931	571
Loyalty oaths; employees to file with county judge's office	1949	593
Marriage licenses See also:		
MARRIAGE		
Custody of, law construed	1929	185
Discretion in issuing	1943	488
Duplicate issued when endorsed original lost; expiration date	1949	55
Impediment; removal required	1949	568
Issuance by clerk; limitation	1949	57
Minors		
German girl, issuance to; authority	1949	565
Issuance to; authority	1939	46
Based upon oath they are expectant parents	1959	134
Proxy marriage; issuance; validity	1949	568
Mental incompetency; adjudication; power	1949	424
Military service		
Resignation and appointment of successor	1941	101
Substitution	1943	164
Minors		
Clerk of court, eligibility as	1945	130
Crime, charged with; notice; forfeiture of bail	1945	750
Vote, not qualified to	1927	363
Misdemeanors		
Absent defendant; pleas, acceptance	1951	770
Dismissal after bond estreated; without authority	1957	630
Power of arrest as conservators of peace	1949	57
Moneys collected without suit; commingled with public money; legality	1959	447

Subject	Year	Page
COUNTY JUDGE-COUNTY JUDGE'S COURT (cont.)		
Nepotism law		
Degree of relationship, reckoning	1945	230
Relatives, employment	1947	130
Nonjudicial papers; assistant clerk, without authority to sign	1949	56
Notary public writing licenses in office tax collector	1933	582
Office expense		
Counsel; recovery embezzled fishing license proceeds, out-of-state agent	1949	58
County commissioners		
Paid by	1943	134
Supplies furnished by	1943	177
Equipment; duty of county to furnish	1945	234
Out-of-state agent; fishing licenses; theft of proceeds; counsel fees	1949	58
Official reporter; appointment	1947	28
Peace bonds		
Costs for issuance, entitled to	1939	48
Power to bind over	1947	34
Personal property as bid bond, forfeiture and sale	1953	695
Petty cash shortage; responsibility	1945	255
Preliminary examinations		
Compensation allowable counties; population 175, 000	1949	52
		54
County attorney, duties	1945	238
Prisoners, not authorized to parole	1927	364
Probate; petition for order of administration unnecessary, fees allowed	1959	228
Probate law; effect of revision	1945	716
Prosecuting attorney		
Administration of oath as notary public to complaining witness, issuance of arrest warrant; legality	1957	30
Bond estreatures, compensation	1951	59
Conviction, fees	1949	53
		54
	1951	58
Criminal prosecution; pleas of guilty	1959	641
County commissioners, employment	1945	238
Fees; compensation	1947	165
Report	1951	250
Nolle prosequere; cases; authority	1949	184
Public money, loss; responsibility	1945	255
Qualifications	1947	29
Tenure of office	1925	397
Records in office; destruction before twenty years	1955	751
Resignation; effect	1945	218
Retirement		
Aggregate number years service; computation	1949	192
Contributions; eligibility	1945	203
Rule day	1927	358
Fees	1931	574
Two in certain cases	1939	84
Salt water fisheries; confiscation and forfeiture proceeding, court fees; payment	1953	433
School attendance; trial of parents without jury	1943	260
Search warrant		
Constable, service by outside own district	1947	605

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY JUDGE-COUNTY JUDGE'S COURT (cont.)		
Search warrant (cont.)		
Municipal police officer, service	1947	604
Section 3084, R. G. S., applicable	1931	572
Sentences		
Change or reduction	1941	47
Commutation, when not authorized	1929	179
Form	1941	776
Suspension; without authority	1925	322
Sheriffs		
Commitment		
Directed	1939	66
Fees	1945	118
Designation, by	1921	294
Executive officers	1937	73
Fees	1923	268
Fines imposed, authorized to collect	1927	390
State attorney not authorized to prosecute misdemeanor cases	1929	336
State convicts, lunacy proceedings against; costs	1947	47
Statutes, constitutionality; authority to pass upon	1953	33
Sub-agents' bond premium; cost not allowed as expense of county judge's office	1959	232
Substituted judge, compensation	1959	55
Summons, when authorized to endorse	1927	385
Tax collecting agency required to give bond before license is issued	1929	187
Temporarily unable to perform duties; compensation	1959	55
Term	1927	370
Expiration	1925	102
Traffic officers, appointment, compensation and uniforms	1927	372
Transfers	1921	336
Trial		
Absent defendant; disposition of cash bond	1945	739
Affidavit made before justice of the peace, upon	1945	147
Parents on school attendance charges	1943	260
Warrants, without issuance	1943	502
Tuberculosis hospital; escaped patient; return; responsibility	1949	420
Unexpired term, method of filling	1931	585
Venire, authorized to dispense with issuance	1929	339
Warrants		
Arrest, affidavit for; authority of clerk to take	1955	299
Clerk to sign, authority	1949	597
Duplicate, issuance	1931	618
Issuance; fees	1933	256
Return of; custodian	1959	272
Services for, when not authorized to endorse	1927	366
Weapons may be lawfully carried in automobile	1927	368
Whiskey, disposition	1925	75
County libraries See: LIBRARIES		
County manager and engineer; appointment; county commissioners without authority	1949	181
County-municipal veteran's officer; county retirement benefits, eligibility	1955	542

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY OFFICERS		
See also: OFFICERS; Specific officer		
Accountants, authority of county commissioners to employ	1935	221
Accounting to county; should make when leaving office	1927	333
Actions; procedure		
Acts in former term no basis for action in present term	1919	102
Cancellation; return of commission tax	1943	162
Securities commission, substitution	1943	163
Agricultural agent, county commissioners not authorized to pay when not provided for in budget	1933	200
Amounts alleged to be owed by former officials; recovery; procedure	1957	710
Appointment, subject to suspension by governor only as provided by constitution, statutes	1933	194
Army and navy to remove personnel from scenes of accidents, grant of authority	1941	779
Association		
Meetings, attendance		
Expenses	1957	587
Within and without state; expenses, payment	1955	694
Membership dues; payment	1945	257
Attorney		
Classification as county solicitor	1945	771
County board of public instruction; services	1943	242
Employment and compensation	1935	219
Expenses	1935	217
Legal advice; compensation	1935	220
Auditor		
Private, not authorized to pay from office funds	1931	486
Report	1919	63
Bond trustees		
Commissioned by governor	1935	213
Filling vacancy	1935	214
Bonds		
Actions; procedure	1943	132
Amount, tax collectors in drainage districts	1915	154
Clerks circuit court approval; responsibility	1949	163
County, approval by county commissioners	1921	274
Defaulting official's bond, comptroller authorized to certify to state's attorney and require collection	1933	198
Premiums paid from county treasury, when	1931	515
Sheriff and tax collector, amount	1921	110
Books of record, blank books, etc.; county commissioners to furnish	1905	160
Budgets		
Determination	1943	177
Overdrawing; personal liability	1939	42
Candidates; payment of qualification fees	1943	155
Certificates or judgments, amount; should be reported as collections	1937	105
Civilian conservation camp, may hold position in	1933	193

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY OFFICERS (cont.)		
Claims presented after one year, nonclaim act not authority to pay	1939	37
Clerks criminal court and county court not authorized to charge county for audit of books nor dismissing civil cases	1933	196
Comptroller, reports to	1919	164
Costs		
Cost bills		
Questions re should be referred to state auditor	1931	575
Required contents	1943	188
Payment in certain cases, method	1931	958
County commissioners See: COUNTY COMMISSIONERS		
County judges See: COUNTY JUDGES-COUNTY JUDGE'S COURT		
County, not authorized to redistrict	1923	274
Criminal charges, power to change, etc.	1943	123
Defaults		
Duties	1953	16
Statute of limitations in actions against	1953	16
Definition	1917	428
Domicile; requirements	1949	155
Dual offices		
Contrary to spirit of law	1931	966
Permitted, certain cases	1943	257
Prohibited	1931	761
Position and office distinguished	1935	208
Duties, responsibilities	1943	175
		178
		180
		184
		188
		189
Elective, ad interim appointment	1911	73
Equipment, purchase of for offices	1921	273
Excess fees		
Authorized	1951	255
Title, supervision and control	1955	705
Fee account; without consent of county commissioner	1955	730
Procedure	1945	234
Title registration	1957	465
Expenditures for certain services, construction of law	1931	932
Expenses		
Certain, not authorized	1931	957
Interpretation of statute	1931	702
Itemized statement required	1931	686
Limitation; applies only to boards	1937	104
Meetings, for attending certain, payment	1955	694
	1957	587
Operation of office, necessary; for proper	1939	56
Payment by county commissioners	1933	208
Report	1921	401
Traveling	1945	202
		237
Fee officers		
Bonds, premium payments	1941	94
Certain expense not allowed	1931	625
Compensation acts; time of application	1957	542
Excess fees, payment; final date	1951	249
Military leave; compensation	1945	221

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY OFFICERS (cont.)		
Fees; compensation	1919	108
		212
		311
		313
	1927	375
	1931	1064
	1937	108
	1943	189
		353
Census, effect	1941	142
Collections; report	1955	551
	1933	199
Committing magistrates in criminal cases	1935	218
Comptroller, report; allowance	1949	159
Criminal cases, payable from fine and forfeiture fund; transfer of funds	1935	212
Custodian of registration books, allowed	1933	193
Determination	1939	71
Earned during incumbency but paid after retirement	1931	312
Excess		
Accounts; expenditure for capital investments	1945	235
Disposition and use	1949	195
Payment, final date	1951	249
Recovery	1933	199
Expenditures, necessary for proper operation of office	1939	56
Guaranteed	1929	329
Holding over after expiration of term	1935	210
Law interpreted	1929	331
Legal advertising; right to commission on	1931	741
Local law, cannot be fixed by	1927	289
Office held by more than one, when	1937	106
Official acts or services; same; prohibited	1905	202
Official bonds, premiums; necessary prerequisite	1939	55
Palm Beach county, required to report	1931	400
Part of year when office abolished	1935	212
Reports		
Interpretation of law	1927	454
	1929	331
Requirement; allowance	1929	311
	1931	400
		401
Same allowed when services are identical	1939	52
School officers, payment of fee; commission	1935	465
Special act, certain officers cannot be provided for	1927	356
Statute; construction	1931	311
		313
Time of application	1957	542
Turning over funds to county commissioners; manner and time	1929	353
Two salaries from county, receiving	1907	162
Uncollected, inure to office after term of official expires	1931	501
		1045
Volusia county	1931	401

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY OFFICERS (cont.)		
Fees (cont.)		
Witnesses before committing magistrate	1935	219
Funds		
Depositories, how drawn from State funds, deposits of; FDIC coverage	1935	217
	1945	711
Judgments and tax anticipation notes not approved security	1933	194
Justice of peace, designated as county officer	1905	147
Location, change; petition; duties of county officials	1955	595
Microfilm negatives of public records, abstract companies furnished with; public officials, authority	1957	338
Military leave of absence; compensation	1941	116
	1943	167
	1949	331
National guard duty		
Money collected		
Defaulting officers' bonds, allocation	1933	195
		200
Fine for speeding, required to give receipts	1927	279
Municipal officer, as	1921	330
Officers' reserve corps, United States army, if eligible to appointment	1925	374
Premium on official bonds necessary prerequisite	1939	55
Private business		
Engaging in; permissive	1957	225
For profit, personal attention; duties to office	1957	319
Public building, in, prohibited from conducting	1925	78
Probation officers		
Abolishment	1935	209
Appointment; must be duly commissioned; two year term; powers and duties	1933	195
Prosecuting attorney		
Compensation	1935	221
	1945	240
Legislator, eligibility to hold office	1957	26
Public funds, expenditure, for certain entertainment; authorized	1957	867
Purchasing agent, Dade county; powers, functions	1945	731
Qualifying dates for	1959	488
Recorder of marks and brands, inspectors, removal	1935	211
Reinstatement of certain	1919	127
Reports		
Comptroller and other officers, duties re delinquent reports	1931	591
Construction of statute	1931	509
Requirement	1933	197
	1935	215
Resident of new county, commissioned for old county	1911	62
Retired; effect of accepting membership on municipal council	1947	169
Retirement on half pay, not eligible for	1937	79
Retirement system See: RETIREMENT SYSTEMS		
Right of county officer to office, when forfeited	1933	214

<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY OFFICERS (cont.)		
Road patrolmen; arrests; service of process	1943	117
School boards See: SCHOOLS		
School superintendent See: County superintendent of public instruction under SCHOOLS		
Sentence imposed valid	1931	836
Sheriffs See: SHERIFFS		
State association; expenses and dues when attending	1935	236
Statutory compensation, nonclaim act not applicable	1939	43
Supervisor of registration See: Supervisors of registration under ELECTIONS		
Surveyors		
Bond premium; liability of county	1947	126
Election in counties not having qualified land surveyors	1935	207
Suspension		
Compensation when restored	1935	216
Retirement benefits, effect upon	1945	203
Salary claims	1943	251
Sheriff's fees; computation for period of suspension	1947	155
Subject to by governor only for causes as provided	1933	194
Tangible personal property, county owned; management by county commissioners, authority	1959	461
Tax assessors See: TAXATION		
Tax collectors See: TAXATION		
Tax laws, enforcement	1917	251
Telephone and furniture necessary item of equipment to be paid for by county	1939	53
Term of office		
Appointment	1935	222
		224
Beginning and termination	1953	134
Cycle relating to date of original appointment	1935	213
Powers and duties, must be duly commissioned	1933	195
Time to hold office after election	1933	197
Travel expenses; clerk and deputy attending certain meeting; payment authorized	1957	826
Vacancy		
Nominee, method of selecting	1945	177
		180
Successor, appointment; term	1945	404
Vacating by removal from district	1917	85
Workmen's compensation, coverage of elected officials; waiver of exemption	1953	477
COUNTY OFFICERS AND EMPLOYEES		
See also: COUNTY OFFICERS; OFFICERS		
Bonds		
Bringing suit upon; method	1929	399
	1937	46
	1937	46
Requirements		
Casual basis; loyalty and anti-communist oath not required	1949	593
Elected officials, eligibility for coverage under workmen's compensation law	1957	674
Employment, more than one political subdivision, or agency; legality	1959	517

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
COUNTY OFFICERS AND EMPLOYEES (cont.)			County relief rolls; loyalty oaths; paupers not required to file	1949	594
Expense allowances insured in per- formance of their duties, payment	1959	542	County retirement system See: RE- TIREMENT SYSTEMS		
Expenses, traveling	1945	202 237	County road and bridge fund; county jail, stockade; repairs and mainte- nance; use of fund allowed	1957	671
Fee officers; military leave of ab- sence; reemployment	1943	170	County road patrolmen; arrests; ser- vice of process	1943	117
Insurance			County roads and bridges See: ROADS AND BRIDGES		
Coverage, workmen's compensa- tion	1941	565	County scholarships See: SCHOLAR- SHIPS		
Group; payment of premiums by retired county employee; ef- fect	1945	243	County school boards See: County boards of public instruction under SCHOOLS		
Premiums; financial responsibility law	1949	173	County school funds See: SCHOOLS		
Labor unions, constitution asserts right to strike; membership pro- hibited	1959	241	COUNTY SEAT		
Leave of absence, granting; governor's authority	1951	211	County funds, use for surveys in connection with election to re- locate county seat	1959	176
Nepotism, adopted relatives, law con- strued as applying to	1959	520	Location, change		
Payroll deductions as county ex- pense; authority	1957	41	Alterations and additions to court- house within twenty year period; construction of law re	1959	116
Public policy; speculating against	1933	112	Election procedure	1905	171
Residence requirement; exception	1955	770	Advertising, purchase by pri- vate individuals; legality	1959	151
Retirement See: RETIREMENT SYSTEMS			Nomination of locations	1955	338
Road; workmen's compensation in- surance; premiums	1949	440	Petition; duties of county of- ficials	1955	595
Service, less than six months; va- cations, granting	1953	138	County sheriffs See: SHERIFFS		
Social security coverage, referendum election; governor, authority	1955	18 633	COUNTY SOLICITORS		
Speculation by public officers; against public policy	1933	112	See also: ATTORNEYS		
United States veterans bureau, cer- tified copy of certain records fur- nished free of charge	1929	406	Absence from state	1947	32
Wages, assignment by employees; not binding on employer	1959	224	Acting county solicitor appointed in one county upon resignation as solicitor in another county; status and qualifications	1959	192
Workmen's compensation law, with- in purview	1949	436	Assistant		
County officials See: COUNTY OFFICERS AND EMPLOYEES; COUNTY OFFICERS; Specific office			Designation, authority during war	1917	215
County parole supervisors; appointment, salaries and expenses	1941	787	Salary; law governing	1945	152
COUNTY PATROL OFFICERS			Books and records, audits by state auditing department	1955	532
See also: PUBLIC SAFETY, DEPART- MENT OF			Charges raised from manslaughter to second degree murder; au- thorized	1957	777
Minor traffic violation, certain in- formal method of handling	1955	196	Criminal		
Motor vehicles parked on highway in violation of law; removal	1957	559	Charges; power to change	1943	123
Rewards, acceptance	1941	146	Court of record appointment by judge; authority	1953	30
COUNTY PLANNING BOARDS			Reports by sheriff	1945	115
Expenses	1935	281	Criminal information, verification and filing by assistant, without authority	1959	12
Suspension of members, grounds	1935	281	Disqualification; acting prosecutor, power to summon witnesses	1949	33
County prisoners See: CONVICTS; PRISONERS			Duties and responsibilities	1929	390
County property See: COUNTY COM- MISSIONERS; REAL ESTATE AND REAL PROPERTY			Fees		
County prosecuting attorneys See: AT- TORNEYS AT LAW; ELECTIONS; PROSECUTING ATTORNEYS			Certain cases	1907	184
County public libraries See: LIBRARIES			Generally	1907	107
County records; county commissioners, authority to purchase	1929	329	Monroe county; expenses	1949	76
County registry funds See: REGISTRY OF COURT			Former acting, appointed as judge; trial cases, disqualification	1951	54
			Illegal arrest by certain officers; mileage and fee allowances	1941	35
			Information		
			Failure to file	1951	778
			Verification before notary public	1945	744
			Investigation, witness, aid of counsel when testifying	1953	698
			Nolle prosequi; issuance, before trial	1957	699

Subject	Year	Page	Subject	Year	Page
COUNTY SOLICITORS (cont.)			Court costs See: COSTS; Specific court		
Professional ethics governing	1931	590	Court martial; fines, disposition of		
Qualifying procedure	1943	228	imposed by	1913	103
Signature identification slips in municipal elections, inspection; authority	1951	182	COURT OF CRIMES		
State attorney, disqualified; may be assigned, when	1937	116	Broward county; evidence seized by authority of search warrant; evidence admitted	1957	273
Suspension and removal	1951	778	Judge		
Procedure	1945	218	Pleas in misdemeanor cases, adoption of rules; authority	1953	703
Trust funds and accounts; audits by state auditing department	1955	532	Search warrants, issuance; authority	1951	782
County superintendent of public instruction See: SCHOOLS			Waiver of trials by jury, adoption of rules	1953	703
COUNTY SURVEYOR			Sentence, run concurrently with federal sentence; court without jurisdictional power to order	1955	52
See also: COUNTY OFFICERS; SURVEYORS			Supreme court opinion, substance	1927	362
Bond; liability of county for premium	1947	126	Court of record; justice of peace court not a court of record	1957	532
Commission, issuance	1935	226	COURT OF RECORD, ESCAMBIA COUNTY		
Deputies, authority to appoint	1907	43	Bail bond, forfeiture; jurisdiction, concurrent with circuit court	1951	768
Duties generally	1905	160	Clerk's fees, search at request of county attorney	1941	22
Land, method of dividing excess sections	1931	614	Constable, service of process; authority	1953	34
License tax	1913	261	Judge		
Lost or obliterated markers, replacement; authority	1957	312	Article V of constitution, amended; effect upon	1955	958
New sections or 1/4 section corners, establishment; authority	1957	312	Criminal court, assignment	1941	44
Qualifications for office	1947	463		1943	122
Question as to must be decided by court	1931	247	Minors, commitment	1943	375
Vacancy in nomination	1943	158	Process		
County tax assessors See: TAXATION			Execution by constables	1941	58
County tax collectors See: TAXATION			Service	1947	44
County tax equalization board See: COUNTY BOARD OF EQUALIZATION			State attorney; assignment to prosecute cases	1943	122
County tax liens See: TAXATION			COURT OF RECORD, PASCO COUNTY		
COUNTY TRAFFIC OFFICERS			Judge and solicitor		
See also: TRAFFIC OFFICERS			Candidates to qualify, time, etc.	1947	94
Funds for maintenance, etc.; county commissioners, authority	1957	207	Interim appointment; terms	1945	219
COUNTY TREASURER			Judge as attorney for board of county commissioners	1949	51
County funds			Court registry funds See: REGISTRY OF COURT		
County commissioners without authority to require funds kept by certain persons	1905	180	COURT REPORTERS		
Record of separate funds; withdrawal	1905	209	Appointment	1941	22
Fees; compensation	1905	149	Civil court of record	1935	690
Bond money or borrowed money, when handling	1915	246	County court; county judge's court; official appointment	1947	28
Borrowed money, not allowed for receiving and disbursing	1913	123	Courthouse, office space, furnishing	1955	132
		178	Criminal courts of record		
Chapter 6241, authorized under School fund, paid from for collecting	1913	179	Absence of official court reporter; appointment of acting court reporter; legality	1959	676
School bonds, custodian of proceeds	1913	80	Appeal transcripts, compensation; cost	1949	38
Worthless check, accepting	1917	373	Misdemeanor cases, per diem allowance	1951	44
COUNTY TREASURY			Criminal procedure, preservation of reporter's notes	1955	938
Bonds of county officials should be paid, when premiums on	1931	515	Depositions upon oral examination, unsigned and signature unwaived; period of several months; mailing of original to defendant's attorney	1959	621
Sheriffs to be paid in either, general or primary election	1939	108	Employment by legislature; authorized	1927	163
County veterinarian; salary; race track funds; use mandatory	1949	197	Federal courts; administrative proceedings; compensation	1949	78
County warrants See: WARRANTS			Fees; compensation	1921	118
COUPONS			Civil cases, trials	1941	23
Board purchase of matured coupons as an investment for county or other taxing district; unauthorized	1933	183			
Procedure when lost	1931	775			
Court attendance See: COURTS					

Subject	Year	Page
COURT REPORTERS (cont.)		
Fees; compensation (cont.)		
Coroner's inquest or preliminary hearing; payment	1935	688
	1941	23
County services	1949	37
Criminal cases		
Argument of counsel to jury reported upon request; charges of court; trial	1941	23
Duties, etc.	1953	23
Judge's secretary, as; payment by county in which judge resides	1947	29
Law, construction	1933	381
Official	1949	37
Payment of in certain cases	1931	280
Preliminary hearings	1941	23
Reporting and transcribing charges to jury in other than capital cases	1939	87
Testimony, taking before state attorney	1935	681
Transcript of record in criminal cases	1939	86
Justice of peace, service as; eligibility	1951	45
Legislature, may be employed by	1927	163
Mileage allowed	1931	355
Military leave of absence, WAAC	1941	103
Preliminary hearing at request defense counsel; per diem expense, payment by county; written report, furnishing of, to prosecuting attorney	1959	469
Proceedings before grand jury, compensation for taking and reporting	1959	185
Recording machine in lieu of reporter; purchase by state attorney	1947	27
Secretary to circuit judge, as; payment by county commissioners; authority	1927	343
Service in county courts	1921	295
Transcript		
Grand jury testimony, payment	1957	533
Record; supreme court rules in appeals; conflict of rules and law	1949	609
COURTHOUSES		
Additions and alterations within twenty year period; construction of law re change of seat	1959	116
Building tax; furnish and equip physical plant; use	1953	164
Construction		
Millage	1943	207
Security; state deposits; certificates of indebtedness	1949	30
		556
County commissioners		
Custodians	1933	491
Power to convey portion of site	1945	312
Private business, office space; authority	1955	132
Public toll telephone, installation; authority	1953	149
County; revenue certificates; bank investments; negotiable instruments	1949	194
Electricity, use by private businesses; photographing public records; flat charge; county commissioners, authority	1957	286
Repairs; procedure	1945	251

Subject	Year	Page
COURTS		
See also: Specific courts; PARDON; DEATH; WARRANTS		
Abolished court, unfinished business	1911	50
Agent forestry department not authorized to serve warrant or process in enforcement of laws	1939	391
Appeals and costs	1937	122
Arrests, bail bond	1935	270
Article V of Florida constitution, proposed amendment; construction of words appeal as a matter of right	1955	884
Bailiffs, payment for meals when accompanying jury	1935	688
Bastardy proceedings; jurisdiction	1945	724
	1947	584
Bonds to be deposited with state treasurer, when	1937	123
Civil and military; concurrent jurisdiction	1943	495
Civil cases, deposits in advance not required	1935	253
Committing magistrate		
Arrested minor, duty as to	1947	437
Cases certified to another court by custody of papers	1947	31
Fees	1935	266
	1937	126
Jurisdiction over accused, termination	1947	594
Comptroller's statement in suit against delinquent clerk, and sureties on bond admissible	1939	25
Constitutional courts of record; scope of definition	1947	28
Contempt proceedings, for interference with state plant board	1935	574
Counsel, judge authorized to appoint	1937	111
Court attendance; four dollars per diem allowed sheriffs	1931	631
Court costs		
Payment requirements when mother is indigent	1959	144
Waiver provision where indigent mother attempts to obtain support from resident father absent from home	1959	160
Court docket; no authority for removing out of court's jurisdiction	1931	622
Court reporter; preliminary hearing at request of defense counsel per diem expense, payment; written report furnished prosecuting attorney, etc.	1959	469
Criminal cases, payment of cost in advance	1935	266
Criminal procedure See: CRIMINAL PROCEDURE		
Criminal sentences See: CRIMINAL PROCEDURE		
Examination of defendant by two disinterested psychiatrists appointed by court, authority	1959	143
Extradition, bail bond, and limitation of days	1937	130
Federal deposit insurance corporation coverage, moneys paid into court, handling and disposition	1959	417
Fees imposed, when; to whom paid	1927	389
Fine and cost bond, rearrest for failure to comply	1935	687

Subject	Year	Page
COURTS (cont.)		
Fines		
Minimum, not authorized to im-		
pose less than	1929	278
Remit certain, not authorized	1927	394
Indictments and informations		
Filing during court vacation	1935	671
Informations by state attorney		
for county court	1935	671
Industrial school, commitment	1931	360
Sentence, deficiency; procedure	1945	764
Injunctive powers; proper prose-		
cuting officers called upon to		
prevent certain violations	1959	472
Insane criminal to state hospital,		
commitment; consent to release	1945	747
Interpreters	1935	689
Jurisdiction		
County prisoners; release for		
military service; powers	1943	510
Crimes on federal lands	1943	91
Drunkenness, cases	1935	304
Insanity, suggestion of	1945	748
Military personnel	1941	352
Navigable waters, over	1909	67
	1911	68
Jurors		
Fees, requisition for in county		
court	1937	131
Qualifications	1947	35
Summoning, method	1945	151
Justice of peace See: JUSTICE OF		
PEACE		
Legislature only can abolish	1931	980
Liquor statutes, prosecutions for		
violations	1935	313
Minors; notice to parent or guardian		
prior to preliminary hearing	1947	603
Misdemeanors; trial jurisdiction	1947	37
Money paid into the court; deposit;		
procedure	1959	513
Person charged with crime may de-		
fend himself	1931	938
Post mortem examinations	1935	477
Prior conviction, cannot take ju-		
dicial notice	1927	376
Process, service	1947	44
Civil action in circuit court	1935	277
Proof of publication; recordation		
by clerk	1947	47
Robbery convictions		
Defendants, place on probation,		
authority	1953	648
Sentence, imposing, reducing		
or deferring of; without au-		
thority	1953	648
Sentence		
Changing or reducing; authority	1931	623
Consecutive or concurrent char-		
acter, rule for determining	1947	600
Imposing, duty	1929	337
Power of trial judge to modify	1953	708
Suspension	1923	64
	1935	703
	1937	112
Sheriff, authorized to appoint		
Special officer; authority to ap-		
point	1945	153
Tax certificate, effect of order		
for sale	1935	686
Term of court, what constitutes	1935	267
Witness fees for federal agents in		
state courts	1957	299
CRABS		
See also: CONSERVATION; SALT		
WATER FISHERIES		

Subject	Year	Page
CRABS (cont.)		
Dealers		
License	1933	28
Wholesale and retail	1935	648
Fishing license	1935	645
Traps, use in Pinellas county	1941	508
CRAWFISH		
See also: CONSERVATION DEPART-		
MENT; SALT WATER FISHERIES		
Bahamas, transportation from; boat		
license	1935	665
Closed season		
Foreign salt water crawfish, re-		
ceive and reship during, le-		
gality	1953	441
Handled from Cuba during	1929	288
Shipments during		
Construction of law	1929	287
Foreign countries, from	1935	664
Importation and reshipment	1931	940
Possession or transportation, unlaw-		
ful when	1931	392
Weighing less than one pound;		
possession prohibited	1939	330
Cream See: MILK AND MILK PROD-		
UCTS		
Credit allowed estate for inheritance		
taxes paid another state See:		
ESTATE TAX		
Credit associations; intangible taxa-		
tion, exemption	1945	290
Credit insurance See: INSURANCE		
Credit life insurance See: INSURANCE		
Credit protection policy; customer's		
contract; cancellation of balance		
due upon death; insurance	1953	595
CREDIT UNIONS		
Documentary stamp taxes; promissory		
notes delivered	1955	786
Insurance on borrowers, exacting		
fees	1947	573
Intangible personal property tax		
Holders of shares or deposits		
subject to	1939	479
State and federal credit unions		
not subject to	1939	479
Shareholders, release of names and		
shares owned, etc., legality	1959	393
Crestview, city of; gambling; slot type		
machines; triple-bell free play	1949	580
		581
		582
CRIMES		
See also: CRIMINAL PROCEDURE;		
ARRESTS		
Aircraft; careless or reckless		
operation	1949	588
Federal regulations	1947	586
Arrests; drunkometer tests; munici-		
pal transfers	1949	572
Arson prosecution, predicate for		
charge	1941	759
Bribes, money paid as; not subject		
to forfeiture	1953	655
Charity shows; free will offering;		
names drawn, door prizes; gam-		
bling laws	1949	585
Child of insane wife, responsibility		
of father	1943	492
Communism; municipalities; sub-		
versive organizations; ordinances		
regulating	1949	596
Concealed weapons, carrying; for-		
feiture	1945	733
Constables		
Investigation by; fee approval	1949	48

Subject	Year	Page	Subject	Year	Page
CRIMES (cont.)			CRIMES (cont.)		
Constables (cont.)			Justice of peace courts; prepayment of costs; requirements	1949	621
Traveling; official duty; carrying gun not prohibited	1949	572	Larceny; appropriating timber and lumber adrift	1945	715
Conviction			Liquor laws; crime chargeable against second offenders	1947	508
Appeal; costs	1947	599	Liquors; wheel numbers; setting up lottery prohibited	1949	581
Federal statute, under; effect upon civil rights	1945	771	Lottery laws		
Felony; bar registration to vote	1947	53	New grocery store; free merchandise as advertising	1949	587
Information or indictment, copy; furnishing to defendant	1947	607	Scope	1945	730
Teachers' retirement system, effect upon benefits	1947	330	Military reservations, insurance solicitation	1941	2
Corporations; representatives; political contributions	1949	591	Minors		
County commissioners			Engaging in game played on miniature pool table; violation	1957	689
As salesmen of firm represented, purchases by county; violation	1949	575 578	Playing pool, unlawful	1949	580
Offer of reward by, in connection with, authority	1955	173	Misdemeanors		
Petroleum, purchase from members	1949	576	Professional bondsman; authority to enter plea of guilty; legality	1949	601
Criminal jurisdiction over Indians; crimes involving Indians; crimes committed in Indian country	1959	473	Trial jurisdiction in counties having criminal courts of record	1949	37
Criminal offenses; persons charged with misdemeanor; fingerprinting	1955	139	Moonshine whiskey		
Definitions; general penalty provisions	1943	498	Manufacture in dry county	1945	630
Driving while license suspended under financial responsibility law	1949	368 375	Possession, transportation	1945	119 636
Drunken driving			Tax unpaid; charging offense	1949	498
Prosecution	1943	310	National guard parade; militia; city election	1947	588
Without license; two charges	1945	481	Obtaining property by fraudulent promise to perform services	1945	732 733
Extradition legal; failure to support child; agreement in connection with divorce	1949	583	Public boards; purchases from concern in which member is interested	1945	731 749
False pretenses			Punchboards; operation; prosecution	1945	728 729
Prior mortgages; misdemeanor; prosecution	1949	573	Reckless driving; jurisdiction of county judge	1945	132
Worthless checks; prosecution	1949	575	Removing property bought under retain title contract; venue	1947	588
Federal felony, defined	1955	30	Reports by sheriff to county solicitor	1945	115
Federal lands; jurisdiction	1943	91	Sand and fill material from lake bottoms, trespass upon sovereignty lands	1955	180
Felony; conviction of minor; continuing disqualification to vote	1945	162	Search and seizure; automobile transporting bolita tickets	1949	586
Fictitious name law; violations	1943	493	Sheriffs		
Fighting cocks, training	1941	761	Duties; gambling; punchboards licensed by municipalities	1949	580 582
Firearms; Sunday use	1943	492	Investigations		
Fish, dynamiting; nature; jurisdiction	1945	508	Compensation	1949	41 45
Gambling			Fees	1949	40
Bingo games; churches; veterans' organizations	1949	583	State officers and employees, political activities prohibited	1949	590
Free game coin devices; legality	1949	580 581 582	Suit club; flim flam game; lottery, violation	1949	579
Merchandise award; basis of skill	1949	583	Weapons and firearms; confiscation; sale, proceeds; adjutant general	1949	571
One-ball machines unlawful	1949	580 581 582	Wife and children; desertion; non-support	1949	584
Slot machines, confiscation	1943	491	Worthless checks, issuing; element of crime	1947	587
Turkey shoot; legality	1949	586	Criminal anarchy, communism, etc.		
Hunting			See: OATHS		
Night; penalties	1945	734	CRIMINAL COURTS		
Sunday; firearms	1949	587	See also: COURTS		
Indictment, information; statute of limitations	1949	53			
Intoxicated person, conviction; term served; subsequent arrest; double jeopardy	1951	753			
Investigators; payment of expenses by state attorney	1947	27			

Subject	Year	Page
CRIMINAL COURTS (cont.)		
Clerk, approving bail bonds	1935	279
Jurors' fees, requisition of successor of clerk for payment	1935	279
Oath; judge authorized to administer to state attorney	1937	116
Witness fees paid from fine and forfeiture fund	1937	129
CRIMINAL COURTS OF RECORD		
Absentee docket		
Case upon; legal status	1951	771
Removal of cases from active docket; clerk, authority	1957	520
Appearance bond money; disposition of real estate bond	1949	603
Child molester law, conviction under; commitment to state hospital; authority	1953	644
Civil and criminal courts of record		
See: CIVIL COURTS OF RECORD;		
CRIMINAL COURTS OF RECORD		
Clerk		
Duties re subpoena and conviction dockets	1945	137
Duval county, compensation	1959	249
Fee in connection with commitment papers furnished to certain departments	1959	106
Costs; payment by solvent defendant as prerequisite to supersedeas	1947	599
County solicitors		
Absence from state; appointment of acting solicitor	1947	32
Assistants		
Powers and duties	1949	51
Salary; law governing	1945	152
Expenses, not entitled to	1949	76
Filing and verification of information by assistant; without authority	1959	12
Court reporter		
Absence; appointment of acting court reporter; legality	1959	676
Appeal transcripts; compensation	1949	38
Misdemeanor cases, per diem allowance	1951	44
Dade county, eligibility of F. B. Stoneman for judge	1907	87
Defendant violating probation from circuit court; jurisdiction	1949	625
Escambia county; assignment of judge	1943	122
Fee officers' report, filing by clerk	1941	120
Indictment; furnishing copy to defendant after conviction	1947	607
Industrial school for boys; right to refuse boys when committed by court	1931	360
Informations		
Filing and verification of by assistant county solicitors; without authority	1959	12
Form; criminal procedure	1949	605
Furnishing copy to defendant after conviction	1947	607
Verification by county solicitor	1945	744
Insanity, suggestion of; jurisdiction	1945	748
Judges		
Acting county solicitor appointed as; trial cases, disqualification	1951	54
Additional; effective date of bill subsequent to referendum; permissive	1959	162

Subject	Year	Page
CRIMINAL COURTS OF RECORD (cont.)		
Judges (cont.)		
Assigned to another county; payment of expenses	1945	135
Cash bond time limit to set aside estreatment of	1959	218
Clerk and solicitor; terms of office Broward county; candidates filing fees	1949	122
County solicitor, appointment; authority	1953	30
Disqualified, when; only judge of other criminal court of record can preside	1927	133
Injunctive power; Orange county; without jurisdiction	1959	472
Qualifying; procedure	1943	153
Retroactive order of assignment	1945	136
Jurisdiction	1931	881
Justices of peace		
Transfer records, not required	1949	66
Trial jurisdiction	1947	37
Law enforcement officers, outside county, summoned to testify; witness fees and mileage, payment	1957	184
Monroe county, not entitled expenses	1949	76
Nolle prosequi, entered upon payment of court costs; commitment, issuance; clerk's authority	1957	462
Palm Beach county		
Clerk; operation of office	1949	53
Statutes applicable	1949	53
Parole supervisors		
Appointment, salary and expenses	1941	787
Parole commission, power to appoint	1945	759
Person declared incompetent in; restoration to mental competency; county judge without jurisdiction	1957	744
Polk county, persons sentenced	1949	619
Probation and parole officer		
Duval county; appointment, term	1945	136
Polk county; appointment, compensation	1945	758
		759
Prosecution, dismissal of; effect	1951	771
		774
Search warrants; judge, court of crimes, authority to make returnable	1951	782
Sentence pronounced in chambers; commitment for imprisonment, issuance; authority of clerk	1957	512
State attorney; assignment to prosecute cases	1943	122
Terms of office	1931	941
Trial jurisdiction	1945	218
Uniform commitment, form, clerks; duty as to use of adopted form	1957	479
Verdict, setting aside	1919	108
Weapons, etc., filed as evidence; disposition	1947	33
Witnesses		
Compensation for voluntary attendance	1947	50
Fees	1937	129
Mileage allowance and fees, state employees	1951	55
Criminal negligence; illustration	1905	189
CRIMINAL PROCEDURE		
See also: CRIMES; INVESTIGATIONS		

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CRIMINAL PROCEDURE (cont.)		
Absent defendant, trial; disposition of cash bond	1945	739
Absentee docket; dismissal of prosecutions; effect	1951	771
Appeals		
County judge's court to circuit court outlined	1951	776
Municipal court convictions	1951	781
State attorneys; duties	1943	108
Arraignment		
Fee, time for collecting; county judge's fees	1947	606
Justice of the peace	1947	163
Arrests		
City limits, beyond; municipal police	1945	265 737
Constables		
Misdemeanors, beyond jurisdiction; authority	1951	762
Prisoner; disposition	1945	743
Highway patrol; fees of sheriffs	1947	41
	1951	47
Minor; notice to parent; forfeiture of bail	1945	750
Municipal police		
False arrest; liabilities	1951	764
Fugitive, arrest; procedure	1951	764
Warrants issued in foreign state; authority	1951	764
Peace officers, nonresident counties; jurisdiction	1951	769
Without warrant		
Hearing nearest justice; returnable original court jurisdiction	1949	597
Preliminary examination; procedure	1943	497
Subsequent procedure	1947	592
Automobile accident; admissibility of certain evidence	1955	649
Blood test as proof to degree of intoxication; admissible in evidence	1957	840
Boat or motor used in illegal fishing; seizure and forfeiture	1947	405
Bonds		
Appearance		
Approval, custody, estreatment, etc.	1947	162 597
Constables, justices of peace; fees; searches and seizures	1949	597
Sheriff, power of to fix amount	1945	739
Bail		
Appearance of defendant before more than one court	1957	362
Constables, justices of peace; fees; searches and seizures	1949	597
Continuance to serve as sufficient surety when bound over to circuit court in same amount, prohibited	1957	362
Defaulted; procedure for enforcement	1945	746
Forfeiture		
Collection by county judge	1947	596
Court of record, circuit court, concurrent jurisdiction; Escambia county	1951	768
Criminal cases, action upon after one-year date elapsed	1957	620
Enforcement	1941	770

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CRIMINAL PROCEDURE (cont.)		
Bonds (cont.)		
Bail (cont.)		
Forfeiture (cont.)		
Procedure	1947	597
Highway patrol, authority to determine amount and applicability	1957	364
Obligor, release; authority in county where justice of peace has no criminal jurisdiction	1953	694
Principal, surrender of by surety	1947	596
Cancellation, when defendant commits suicide	1957	705
Default in payment; arrest of defendant	1951	772
Estreatment		
Justice of peace	1945	141
	1957	552
Posted by persons charged violating municipal ordinance; application of general re	1959	492
Procedure	1947	604
Fine and cost		
Approval, forfeiture, etc.	1947	597 601
Bondsmen, number; release	1945	122
Defendant in prison; demand on surety	1951	773
Sureties, release	1945	749
Surrender defendant; no authority of bondsmen	1949	607
Peace bonds; powers of county judge	1947	34
Proceedings; demand on surety	1949	608
Bookmaking; second offense; charging of previous conviction in information	1957	512
Burden of proof; duty of prosecution	1957	816
Capias		
Accused in custody, issuance	1943	497
Appearance bonds, issuance after posting; service	1953	409 699
	1945	745
Clerk of county court, issuance	1945	745
Commitment without issuance; defendant not in custody	1941	773
Guilty plea or posting appearance bond, issuance after	1947	599
Party in custody, issue of when	1935	808
Capital cases		
Attorney's fee for insolvent defendant	1941	780
Commitment form prescribed	1957	677
Charge changed; new affidavit required, certain cases	1949	55
Child charged with commission of capital offense; juvenile court, waiving of jurisdiction	1957	792
Child molester cases, parole commission, jurisdiction	1951	724
Cigarette tax law; beverage department issuance of search warrant	1949	611
Clerk circuit court; professional bondsmen; registration required	1949	604
Commitment		
County jail sentence; procedure in issuing	1957	749
Division of corrections, effect, as commitment to Raiford; length of sentence	1957	472
Forms, legal sufficiency	1957	749

Subject	Year	Page
CRIMINAL PROCEDURE (cont.)		
Commitment (cont.)		
Industrial school		
Period	1945	550
Sentence, deficiency; effect	1945	764
Committing magistrate		
County judge as; preliminary hearings in criminal cases; trial jurisdiction	1953	689
Criminal actions; issuance of search warrants; fees	1959	587
Fees	1935	218
Persons pleading guilty, failing to commit	1937	127
Termination of jurisdiction over accused	1947	594
Confessions, extra-judicial	1941	774
Constables		
Adjoining district, authority to serve warrant	1947	605
Appearance bonds; approval fees	1949	44
		600
		604
Bail bond approval; authority	1949	44
		600
		604
Bonds, authority to approve	1947	597
Nonresident county; serve warrants; return prisoner; jurisdiction	1949	600
Return prisoner from another county, authority	1947	36
Witness fees and mileage in criminal cases, not entitled to	1939	88
Construction	1939	89
Conviction		
Defined	1951	774
Person convicted in two courts; criminal sentences, service	1957	38
Sentence of person previously adjudged insane	1947	425
Coroners		
Inquests of the dead; eye witnesses	1949	614
		615
		616
Jury		
Female jurors; grand and petit juries	1949	614
Verdict specifying degree of murder, effect	1947	601
Costs	1935	809
Assessing but withholding the imposition of sentence	1955	704
Certain cases, payment withheld until indictment is found or information filed	1905	174
Commitment trials in cases where no indictment is found; payment	1905	201
County commissioners, duty of to pay certain	1927	297
Criminal prosecutions, payment; county commissioners, powers	1905	179
Jury, including cost of in assessment of cost against defendant	1935	809
Not chargeable in certain cases	1904	77
Payment	1947	162
		163
Remission, county judge	1943	331
Solvent defendant, payment by as prerequisite to supersedeas	1947	599
County commissioners; indigent defendant; counsel fees unlawful; noncapital case	1949	606

Subject	Year	Page
CRIMINAL PROCEDURE (cont.)		
County court sentence vacated; subsequent indictment	1951	774
County judges		
Committing magistrate; fees	1949	57
		619
		620
Criminal case dismissed; not entitled fees	1949	607
Criminal costs; payment	1945	753
Depriving defendant of gun in his possession; authority	1955	546
Inquests; authority; absence justice of the peace	1949	612
Misdemeanor cases, dismissed after bond estreated; without authority	1957	630
County judge's court		
Issuance of warrant, trial without	1943	502
Prosecuting attorney's fees	1951	58
Trial; affidavit made before justice of the peace	1945	147
County prisoners; drunken driving; drivers license; operation county vehicles	1949	372
County solicitors		
Filing and verification of information by assistant; without authority	1959	12
Informations, failure to file	1951	778
Prosecuting attorneys; power to change charges	1943	123
Witness; aid of counsel when testifying	1953	698
Court reporters		
Fees for transcript of record	1939	86
Notes, preservation	1955	938
Crimes of public nature; costs, collection by justice of peace; without authority	1959	70
Criminal cases		
Appeals, construction of statute	1931	623
Arrest fees; assessed as cost	1957	401
Cost, payment; county commissioners, powers	1905	181
		182
Fees, county judge	1931	469
Papers filed with justice of peace; disposition	1931	468
Sentences; person convicted in two different courts; service	1957	38
Criminal violation by minor; committing magistrates; juvenile court jurisdiction	1959	725
Criminals; defined; apprehension; telephone and telegraph bills, payment	1951	241
Defendants		
Absent		
Fines; enforcement against	1943	499
Misdemeanor case, pleas	1951	770
Drunk driving cases; drunkometer report, right of copy	1957	83
Examination by two disinterested psychiatrists appointed by court; authority	1959	143
Insolvent; legal costs and expenses; measure of costs refunded by state to county	1959	537
Deputy sheriff, payment of witness fees and mileage for court appearances	1959	149
Double jeopardy; county court conviction vacated; subsequent indictment; greater offense	1951	774

Subject	Year	Page
CRIMINAL PROCEDURE (cont.)		
Driver's license		
Examiner; false attestation on application for learner's permit; perjury charges	1957	292
Motor vehicle tag; illegally purchased during suspension period; prosecution	1957	583
Drunkard, conviction; term served; subsequent arrest; double jeopardy	1951	753
Drunken driving		
Amended law, application to conviction which occurred prior to effective date of act	1959	351
Charge changed to reckless driving; new affidavit required	1957	531
Police officer, arrest without warrant, authority	1959	101
Proof of impairment of defendant's normal faculties necessary	1959	100
Prosecution	1945	481
Escapee, prosecution of crime; where maintained	1955	675
Everglades national park, crimes; jurisdiction over lands	1957	874
Executions; death warrant; earliest date of issuance	1943	500
Extradition		
Assistant state attorney, authority to present application for requisition	1945	104
Delinquent, 12 year old runaway; authority	1955	930
Ex-wife, nonsupport	1955	887
Father charged with nonsupport of minor children	1947	608
Interstate extradition of witnesses; mileage, per diem	1945	754
Prisoner in federal custody; waiver of rights	1945	126
Father, nonsupport of illegitimate child	1953	675
Fees; constables and sheriffs	1943	119
Felony		
Cases certified to circuit court; custody of papers	1947	31
Charges, prerequisites; conviction in municipal court	1955	937
Conviction		
Appealed to higher court; effect on right to vote	1957	521
Foreign state, in; civil right of suffrage	1953	71
Pending appeal from such conviction; eligibility as elector or candidate for office	1959	510
Second offender, prerequisite; charges	1957	40
Fines and costs		
Acceptance by arresting officer	1945	743
Form for an execution for, when defendant has been sentenced	1957	649
Payment in default; procedure for enforcement where fine is imposed without imprisonment	1957	444
Firearms, confiscation	1945	734
Forgery; twelve separate charges; maximum sentence	1959	302
Fruit inspection employee entitled to witness fees and mileage	1939	89
Gain time; computation	1947	612
Habeas corpus hearings; state attorney, attendance	1904	64

Subject	Year	Page
CRIMINAL PROCEDURE (cont.)		
Homestead exemptions; false affidavit claiming; misdemeanor violation	1957	571
Homicide		
Justifiable; law as to shooting escaping convict	1929	352
Person convicted, when; disqualified to vote	1929	367
Trial; conviction; new trial	1931	399
Imprisonment, term; commencement	1943	501
Indeterminate sentence		
Form; conviction on two or more lottery counts	1957	457
Term of sentence to be imposed	1957	471
Trial court, authority, to impose	1957	505
Indians, jurisdiction over; crimes involving Indians; crimes committed in Indian country	1959	473
Industrial school, inmate; temporary release for preliminary hearing	1947	614
Information		
Assistant state attorney, authority to file	1943	109
County solicitor		
Failure to file	1951	778
Verification by before notary public	1945	744
Filing and verification by assistant county solicitor; without authority	1959	12
Form; requisites	1949	605
Indictment, or; furnishing copy to defendant after conviction	1947	607
Transfer of, to newly created court without necessitating a re-filing	1959	188 193 748
Insanity, suggestion of; jurisdiction	1945	748
Jailing prisoner; necessity of commitment	1945	117
Judges; retroactive order of assignment	1945	136
Judgment and sentence; commitment issuance; procedure to be followed by clerk; sheriff's return on execution	1957	667
Judgments; enforcement against absent defendant	1943	499
Jurors; method of summoning	1945	151
Jury trial, illegal to require defendant to make deposit to secure	1929	312
Justices of the peace		
Acceptance of costs by prior commencement of action; authorized	1959	70
Cost bill, time of payment	1945	754
Directed verdicts; without authority	1927	379
Issuance of warrant under criminal action for nonsupport; authority	1957	581
Jurisdiction	1945	141 143
	1947	36 37
Counties having criminal court record	1943	126
Warrant after posting of bond; necessity	1945	143
Preliminary hearings in criminal cases; expert witness allowance	1959	332

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
CRIMINAL PROCEDURE (cont.)			CRIMINAL PROCEDURE (cont.)		
Justices of the peace (cont.)			Police court; justices of peace;		
Recalling decision and altering a			power to furnish bail	1949	603
charge; defendant remanded	1955	889	Police officer, arrest without war-	1959	101
to higher court	1947	37	rant; authority		
Trial jurisdiction			Preliminary examinations		
Juvenile court has no jurisdiction to	1927	361	Attorney for defendant, appear-		
try, against children			ance without physical presence	1959	530
Juvenile court judge; trial of parents			of defendant; legality		
without jury; judge without author-	1957	731	County judge; fee when accused	1933	255
ity			discharged		
Law enforcement officers, certain;			Discharge of accused on; duty	1953	691
not entitled to witness fees and	1939	88	of county to pay cost	1945	238
mileage	1931	922	Duties of county attorney		
Laws in re			Prosecuting attorney, court re-		
Lessee working timber for turpentine			porter to furnish written re-		
rights separately assessed and tax-	1935	126	port at request of defense coun-		
es paid; criminal liability			sel; court reporter per diem	1959	469
Liquor laws; crime chargeable against	1947	508	expense, payment		
second offenders			Waiver		
Lottery raids; search and seizure, in-			Defendant wishing to plead		
ventory receipts, late delivery;	1953	711	guilty	1947	592
admissible as evidence			What constitutes	1957	733
Mileage, certain law enforcement	1939	88	Warrant; execution; county lia-	1939	65
officers not entitled to	1945	77	bility		
Military bases; jurisdiction of state			Prisoners		
Minors			Counsel, right to	1945	738
Committing magistrate, duty			Custody pending appeal	1947	602
after arrest	1947	437	En route to another state; tem-		
Convicted of crime; institution	1947	613	porary confinement in coun-	1947	607
to which to be sentenced			ty jails		
Miniature pool table; operation	1957	689	Fines and gain time; computa-	1951	788
prohibited; penalty			tion		
Notice to parent or guardian prior	1947	603	Florida; return of to trial in	1955	538
to preliminary hearing			another state		
Misdemeanors			Professional bondsman; authority to		
Pleas; absent defendant; accept-	1951	770	plead guilty for prisoner; mis-	1949	601
ance	1947	37	demeanor		
Trial jurisdiction			Prosecuting attorneys		
Modification of previous sentence;			Bail bonds; principal and surety;	1949	605
subsequent new sentence; com-	1957	399	notice	1951	58
mitment; duty of clerk			Conviction fees		
Moneys, confiscated by arresting of-	1959	368	Fees for criminal prosecution in	1959	641
ficers in connection with lottery;	1947	40	county judge's court; plea of	1957	554
forfeited to state			guilty		
Multiple arrests, sheriff's fees			Nolle prosequi case; authority		
Municipal bail bond; prosecution	1945	728	Punchboards, operating; crime	1945	728
for forfeiture			chargeable		729
Municipal court			Radio and television station, elec-		
Convictions; appeals	1951	781	tronic equipment, same fre-		
Revocation of driver's license;			quency as that used by law en-		
appeal; effect	1949	610	forcement officers; legality	1959	489
Municipal judge; jurisdiction as	1945	738	Rape conviction; mercy recommend-	1957	520
committing magistrate			ed to court; penalty imposed		
Municipal officers			Reckless driving		
Arrests			Arrest and search person and		
Outside city	1947	593	car by sheriff; authority	1925	382
Violations, state laws; lia-	1949	601	Law applicable	1931	844
bility; false arrest			Recording machine in lieu of court		
National magazine, advertising con-			reporter; purchase by state at-	1947	27
test requiring contribution;	1955	896	torney		
whether violative of lottery or	1931	399	Rewards; offer by sheriff; liability	1945	122
gambling laws			of county		
New trial, murder case			Rule and law, conflict of; copies	1949	609
Nolle prosequi, release of defendant	1957	699	of brief; supreme court rule; ap-		
or his bondsmen after entry			peal		
Person may represent himself in	1931	938	Search warrants		
court proceedings			Issuance; fees	1945	751
Personal property, replevin; to be	1951	88	Municipal judge to issue, au-	1943	501
used as evidence			thority		
Pictures for use in criminal cases,			Search without		
payment of expenses incurred in	1959	150	Game wardens, power	1947	405
procuring			Peace officers, powers	1951	782
Plea of guilty; entry by arresting of-	1945	743	Sentences	1919	143
ficer			Conditional commutation; breach	1945	748
			of condition		

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CRIMINAL PROCEDURE (cont.)		
Sentences (cont.)		
Consecutive and concurrent	1941	777
Rule for determining	1947	600
County judge, change	1941	47
Imprisonment; state prison and county jail, confinement	1959	682
Prison; transmittal of indictment	1945	763
Pronounced in chambers; commitment for imprisonment, issuance; authority of clerk	1957	512
Service of; cancellation of bond	1945	749
Stay of execution, appeal as	1951	775
Sexual psychopathic person; determination, proof; payment	1955	249
		489
Sheriffs		
Approval bond; liability; Escambia county	1949	608
Compensation; per diem allowance	1953	27
Defendant's bond upon arrest without warrant for criminal offense, legality	1959	674
Deputy		
Constables arrested by	1949	599
Mileage, witness fees	1939	90
	1947	595
Police officers; motor vehicles; illegal liquor; search warrants, searches without	1949	610
Special officer; appointment by court to replace disqualified sheriff	1945	153
State attorney		
Coroner's jury; autopsy; inquests of the dead	1949	617
Habeas corpus proceedings; bail; notice required	1949	602
State employees; witness and mileage fees	1943	498
Stolen money or motor vehicles, return to owners; procedure	1957	822
Subpoena, cost deposit for serving witnesses; deposit by solvent defendant	1955	383
Supersedeas		
Bond premium in appeal to circuit court as costs; payment by city	1957	488
Premium, liability of county	1947	562
Solvent dependent, payment of costs by as prerequisite	1947	599
Traffic violation		
Guaranteed arrest bond certificates; arresting officer, duty	1955	701
Notice to appear, methods authorized for issuance	1957	741
Trials		
Criminal case, payment of expenses incurred in procuring pictures for use in	1959	150
Suppression of evidence, admissibility; seized contraband	1955	31
Tyndall air force base, criminal offenses committed within boundaries; state courts, jurisdiction	1953	701
Venue		
Retain title contract, removing property bought under	1947	588
Uttering worthless check	1945	736
Verdict, justice of peace without authority to direct	1927	379
Warrants See: WARRANTS		

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CRIMINAL PROCEDURE (cont.)		
Weapons, etc., filed as evidence in criminal case; disposition	1947	33
Wife and children; desertion; non-support; divorce	1949	584
Witnesses		
Defense; liability for fees	1945	738
Fees and mileage	1927	315
Criminal court of record	1937	129
Deputy sheriff	1947	595
Law enforcement officers for testifying before state attorney not prohibited	1939	89
Per diem allowances	1951	784
State employees	1951	55
Person trained as specialist in police work, qualification as expert witness	1957	17
Self-incrimination	1949	616
Served in state not allowed fees when out of state	1937	128
Testimony before grand jury; disclosure; penalty	1957	523
Voluntary attendance		
Mileage allowance	1953	710
Pay	1947	50
Worthless checks, payment of does not release person	1931	625
Zoning regulations, criminal penalties for violation	1959	681
CRIMINALS		
Apprehension, rewards paid by sheriffs as office expense	1949	40
Convictions, record; compensation to clerks; names certified	1949	36
CRIPPLED CHILDREN		
Benefit, no statute for, other than chapter 13620 of 1929, creating Florida crippled children's commission	1935	503
Harelip and cleft palate, etc., treatment of	1935	502
CRIPPLED CHILDREN'S COMMISSION, FLORIDA		
Appointments, dual	1941	518
Appropriation; amount	1945	523
Commission funds, use of for transportation and liability of owner or operator of private car	1937	310
Corporate powers	1941	527
Crippled child, definition	1947	421
		422
Dependent child of serviceman; custody	1943	375
Employees		
Military leave of absence		
Re-employment	1943	168
Salary	1941	108
Workmen's compensation law	1945	555
Expenses	1935	502
Fees; payment	1941	97
Funds for crippled children	1935	503
Indigent child, certain expenses authorized	1955	440
Isaac David Cosson, treatment; expense, payment	1953	449
Merit system rules; proposed amendments; validity	1945	259
Minor, legal guardian	1959	592
Office and salary of member	1927	309
Operation on child, authority	1959	592
Operative permit; signature requirement	1959	592

<u>Subject</u>	<u>Year</u>	<u>Page</u>
CRIPPLED CHILDREN'S COMMISSION		
(cont.)		
Out-of-state facilities and personnel, employment; authority	1955	512
Panama City, refunding plan, par- ticipation	1941	527
Patients, transportation	1937	310
Secretary, employment not man- datory	1935	501
Surgical and medical treatment in excess of contractual amount, payment of reasonable cost	1955	577
Workmen's compensation liability; notice	1945	555
Crippled children's hospital; children, school instruction to; sale of al- coholic beverages near, prohibited	1951	619
CRIPPLES		
Barber's examination, not exempt from payment of fee	1931	856
Peddler's license; exemption	1904	68
Granted in county where goods sold	1931	896
Public hack or dray; license ex- emption	1904	68
CROP MORTGAGES		
See also: MORTGAGES		
Chattel mortgage book, recorded	1951	712
CROSSES, BURNING		
Municipalities; ordinances making unlawful	1949	208
Crystal River, city of; municipal budget; improvements; cigarette tax revenue use	1949	275
Cuban consular officials; gasoline tax; no exemption allowed	1949	271
Cuban government; county board not authorized expend school funds on lunch room project	1939	212
CULPABLE NEGLIGENCE		
See also: NEGLIGENCE		
Serious bodily injury caused by; by operator of motor vehicle; punishment	1955	926
CURATORS		
Bond of	1935	685
Federal savings and loan associa- tion; deposits by guardians, curators, etc.; eligibility as permitted by law	1957	45
Cut of beef See: MEAT AND MEAT PRODUCTS		
Cutting timber See: TIMBER AND LUMBER		

Subject	Year	Page	Subject	Year	Page
DADE COUNTY			DADE COUNTY (cont.)		
Afflicted children, authority to care for	1949	186	Home rule charter (cont.)		
Biscayne Bay; federal projects; water survey and research	1949	408	Tax assessments and collections under; procedure	1957	544
Charter; cigarette taxes collected outside municipalities; payment to county commissioners	1957	368	Homestead exemption; military force; yearly affidavits	1943	199
Circuit			Hospital bonds, eligibility of securities	1953	580
Court; children, permanent commitment for adoption; jurisdiction	1955	89	Hotel employees; appropriation for vocational training	1947	475
Judges; state salary increase; supplementary payments; effect	1951	33	Juvenile and domestic relations court		
Civil court of record, judge			Commitment procedure; notice to parents	1959	442
Additional; appointment, confirmation; term of office	1951	56	Dependent and delinquent children, over seventeen	1949	432
Private law practice; chancery	1951	56	Mental patients; Miami Retreat, Inc., member county commissioners as receiver	1949	577
Commissioners			Municipalities		
Appropriation, investigating fraudulent registration, illegal voting; duty	1951	199	Legislature, power of, to abolish; protection of creditors provided	1949	203
Member; partnership; lumber building supply business; purchases, bids	1949	577	Nonresident motor vehicles, inspection, authority	1951	263
Salt water fishing boats and seafood dealers' licenses, requirements	1951	509	Officers and employees retirement system; state attorney's eligibility to participate therein	1957	594
County			Property conveyed to state; validity of deed	1905	80
Board of public instruction; bond dealers; funds authorized	1949	297	Purchasing agent; powers, functions	1945	731
Judge; additional; unconstitutional	1949	56	Representative, state; vacancy by death	1949	84
Court of crimes, judge			Road patrolmen, rewards, acceptance	1941	146
Search warrants, issuance; authority	1951	782	School districts		
Waiver of trials by jury, adoption of rules	1953	703	Consolidation; procedure	1945	173
Criminal court of record; F. B. Stone-man, eligibility for judge	1907	87	Trustee elections; use of voting machines	1945	176
Dependent children, powers and duties as to	1945	540	School teachers, group insurance; premium participation by county; legality	1959	438
Dependent's law, uniform support of; indigent person; court cost, etc., liability	1953	61	Special		
District			Census applicable to \$166.03, F. S.	1957	201
Bond issue; method of initiating; school board; powers	1949	314	County building certificates, issuance; not acceptable as collateral security for state deposits	1957	516
Tax rolls; tax assessor's office; personnel agreements; fees	1949	196	School district bonds, issuance	1937	189
Elections			State board of education; approval investment school funds	1949	311
Permanent registration system, election code; effect	1951	199	Tax assessor; compensation	1947	158
Registration of electors; method, time	1945	182	Tax collector; no right on military reservation; taxes of civilian tenants	1949	231
Voting districts, reduction of; effect on party committees	1945	163			246
Everglades drainage district taxes; compensation of assessor	1947	158	Tip sheet; definition; license	1945	351
Expenses, unforeseen; supplemental budget	1947	44	Vacancy in office; method of nominating candidate	1945	180
Gas tax funds should be placed in state road license fund	1939	521	Venetian causeway, ad valorem taxes; assessment	1949	237
Gasoline taxes, distribution of, where original contribution repaid and preferential roads completed	1939	526	Voting machines, custodian	1951	173
Grand jurors, mileage expenses; payment by comptroller authorized	1957	670	Dade memorial commission; supreme court justice as member, governor not authorized to appoint	1937	300
Home rule charter			Dade memorial park; deed to land	1921	130
Highway patrol; delivery of prisoners and prosecution of cases under	1959	223	Dade memorial park, inc.; protection agreement, validity	1951	680
			DAIRIES		
			Inspection act; commissioner of agriculture authorized to promulgate rules and regulations	1931	340

Subject	Year	Page
DAIRIES (cont.)		
Regulation and inspection; jurisdiction	1947	472
Workmen's compensation	1935	542
Dairy inspection act See: DAIRIES;		
MILK AND MILK PRODUCTS		
Dale Carnegie courses; occupational license tax requirements	1959	599
DAMAGES		
County foreclosure property; defective title; reimbursement to purchaser	1949	180
District soil conservation board, liability; result of use of district machinery	1953	565
Execution of release by minor would not bar action for injury	1939	546
Financial responsibility law		
Damage suits arising from accidents; construction of	1959	660
\$324. 121(1), F. S.	1949	375
Liability; release		376
Forcible entry and unlawful detainer; county judge entry damages	1949	81
Personal and property injuries, not authorized	1937	478
Prisoners injured in jail; liability	1949	47
Property and public liability; state agencies not liable	1949	468
Sheriffs; property of persons arrested; reasonable care	1949	43
DANCE HALLS AND NIGHT CLUBS		
License tax	1933	16
Application of law	1931	708
Liable for	1929	330
Operated in connection with cafe	1947	266
Requirements	1931	577
	1937	564
Woodmen of the world not required to pay	1929	337
DAY LABORERS		
Defined	1959	207
Retirement See: RETIREMENT SYSTEMS		
Days; hours considered day's labor	1917	167
DAYTONA BEACH, CITY OF		
Housing authority retirement system, termination	1951	701
Little theatre, ad valorem tax exemption	1955	108
Police department; juveniles involved in accidents and criminal cases, without authority to retain in files, names	1959	723
DEAD BODIES		
See also: AUTOPSIES; CORONERS' INQUESTS		
Ambulance driver; removal by; contrary to officer's order; violation	1951	454
Anatomical board; loan of, to university of Florida; legality	1953	345
Bond of institutions receiving	1953	345
Florida farm colony, disposition of bodies of deceased patients where parents are indigent	1955	881
Funeral director; no authority to refuse release of body	1955	869
Permit, may be held by procuring	1923	180
Removal		
Patrol officers without notifying coroner; authority	1953	389

Subject	Year	Page
DEAD BODIES (cont.)		
Removal (cont.)		
Permits, issuance; registrar of nonresident county	1951	522
Transfer of; acquired by university of Miami; to anatomical board	1953	345
Undertaker of foreign county, removal by; permit	1951	522
Deaf and blind See: COUNCIL FOR BLIND, FLORIDA		
DEAF AND BLIND, FLORIDA SCHOOL FOR THE		
Admission requirements	1949	329
		427
Negro blind, instruction not extended to	1949	307
President; addition to salary	1947	352
Surplus building funds; transfer	1947	368
DEALERS		
Cards, license tax required	1929	376
Commercial trailers; motor vehicle licenses	1949	364
Definition	1931	845
Exchange agent; sale of securities; commissions	1949	478
Farm products, if license tax required	1927	354
Fresh water fish; penalty for catching in St. Johns river waters	1949	403
Furniture, license tax	1933	24
Gasoline See: GASOLINE		
Hide and fur, license	1933	19
Liquefied petroleum gas; liability insurance; requirements	1949	481
Motor vehicles; rental demonstration; vehicles require "for hire" tag	1949	359
Radio		
License tax	1933	18
Required	1929	376
Real estate, license tax	1933	15
Tires and tubes, what constitutes	1927	186
Trailers held for sale; not subject to taxation	1949	252
Traveling junk dealers, occupational license; liability	1957	54
Wholesale seafood; permit number; packaged seafood; requirements	1949	412
DEATH		
Certificates		
Authorized to sign, who	1927	443
Chiropractors; signing of certificates; legality	1931	416
	1925	256
	1955	505
Doctors, if certain, authorized to sign	1931	416
Funds received for; allocation or appropriation of; county commissioners' authority	1955	687
Inquests; sheriffs; coroner; county judges; responsibility	1949	415
		614
		615
Osteopaths; signing of certificates; legality	1925	256
Recording of; clerk of circuit court office	1953	18
Coroner's jury, instructions to; unknown person; unknown means, etc., form	1957	732
Pensioner; where no successor abates pension	1933	586
Presumption; statute relating to	1931	750
Warrants		
Court record constitutes sufficient basis	1923	80

Subject	Year	Page	Subject	Year	Page
DEATH (cont.)			DEEDS AND CONVEYANCES (cont.)		
Warrants (cont.)			Documentary stamp tax (cont.)		
Execution, earliest date of issuance	1943	500	Subject to liens	1945	337
Law providing for issuance	1925	87	To and from state	1943	225
Procedure	1927	124	Florida board of forestry and parks; form of execution	1947	522
Record			Interest in land; instrument granting easement; postoffice address of grantee	1955	312
Required to authorize	1921	99	Internal improvement fund, trustees of; free of former intangible tax lien held by state	1941	203
Warrant issuance by governor, what constitutes	1929	299	Jurisdiction to United States, ceding	1919	73
Debenture preference stock See: CORPORATIONS					118
DEBTS			Description of lands	1947	11
Cancellation; scholarships; enforcement of collection; maturing of notes	1949	321	Lands; map or plat recorded with; requirements	1949	211
District or board public instruction, not authorized to be incurred by	1923	141	Marianna army airfield; acquisition by state board of education	1947	365
DECEASED PERSONS			Mineral rights, reservations		
Person designated to receive pension	1939	550	School site; acceptable to board of public instruction	1949	295
Property, disposition	1937	493	Trustees of internal improvement fund	1941	357
		617	Municipal lands; tax on	1959	88
DECEASED'S ESTATE			Prerequisite for acquiring, when lands sold for taxes	1927	323
See also: PROBATE LAW			Promissory note, secured by express lien in deed; taxability	1953	252
Warrants to issue and be made payable to	1937	493	Property conveyed		
Decedents; resident decedents; probate in other states; intangible personal property, tax assessment liability	1959	545	As directed by board of education	1905	86
Declaration of rights; peace officers; searches and seizures; driver's license	1949	374	From Dade county to state; validity of deed	1905	48
DECLARATIONS OF TRUST			Recording		
Common law defined	1925	136	Circuit court clerk, duty of	1943	115
Law			Postoffice address of grantee	1945	107
Defined	1923	223			714
Must comply with	1923	239	Removal of clouds from title of real property, stamp tax payment	1959	763
Nominal tax to be paid	1923	96	Revenue stamps, when necessary	1925	312
Prerequisites	1925	123	Seminary east of Suwannee river, trustees of; to board of education	1905	86
Declaratory judgments See: SENTENCE AND JUDGMENTS			Spouses, names of both in commencement part; necessity	1947	576
Decrees See: JUDGMENT AND DECREE			State board of health, conveyance of real property; consideration; authority	1955	877
Dedications; county roads, dedication and acceptance; procedure necessary	1959	199	State plant board, purchase of land; title	1953	565
Deed of cession; execution by governor	1941	2	State road department empowered to acquire by condemnation proceedings	1933	623
DEEDS AND CONVEYANCES			Surplus proceeds from tax sale; assignment	1947	208
Acts of corporations do not invalidate, certain	1927	152	Tax deed		
Building and loan associations not exempt from intangible tax on contracts	1939	467	See also: TAXATION		
Clerk; recorded with one witness; legal	1949	562	Defective description; correction, etc.; validity of conveyance	1959	82
Commissioners			Form; issuance of corrective deed	1945	313
Appointment of, in other states	1917	108	Trusts, construed	1925	239
Seal, form	1935	760	Tuberculosis board; power to purchase property subject to forfeiture provision	1947	431
Conveyances in connection with property settlement, documentary stamp, taxability	1959	380	Unrecorded, holder of; entitled to homestead exemption	1939	448
Corporation, execution by	1935	713	Written agreements for sale and conveyance of real property; documentary stamp; taxability	1959	381
Deed, agreement for; excise tax	1949	256			
		257	DEER		
Deeds assuming, taken subject to existing mortgages; documentary stamp, taxability	1959	378	See also: HUNTING		
Documentary stamp tax			Captivity, keeping in	1929	277
Corporations, dissolution; liability	1953	273	Collier county, special license fund; use for restocking	1945	646
Exemption					
Counties	1945	336			
Internal improvement fund	1943	225			
Merger, transfer by; corporations	1949	254			
Pursuant to contract to convey	1945	338			
Real property, conveyance of interest; not liable	1953	265			

Subject	Year	Page
DEER (cont.)		
Killing, for purpose of tick eradication; claim for services	1943	449
Nassau county, laws relating to open hunting season	1939	392
Special license required to hunt	1939	487
Deering estate; inheritance or estate tax, subject to	1937	535
DEFENDANTS		
Absent		
Judgments; enforcement	1943	499
Misdemeanor cases; pleas, acceptance	1951	770
Bond		
Cancellation of, when defendant commits suicide	1957	705
May give at any time	1929	349
Cost deposit for serving witness subpoena; deposit by solvent defendant in criminal cases	1955	383
Court of crimes sentence, run concurrently with federal sentence; authority of court	1955	52
Deferred sentence; parole commission; jurisdiction	1949	623
Discharged on preliminary hearing; duty of county to pay cost	1953	691
Drunk driving case; drunkometer report, right of copy	1957	83
Fine, payment in default; procedure for enforcement where fine is imposed without imprisonment	1957	444
Justice of peace, recalling his decision and altering a charge; defendant remanded to higher court	1955	889
Preliminary hearings; prisoner discharged; magistrate entitled cost	1949	562
Probation, jurisdiction of criminal court of record	1949	625
Sentence, service of; surety; bond and proceedings	1949	608
Sheriffs; defendant's bond upon arrest without warrant for criminal offense; legality	1959	674
Surrender		
Authority of bondsmen; fine and cost bonds	1949	607
Bail bondsman to sheriff, acceptance	1957	450
Defense bonds; board of administration for sinking fund of Polk county, purchase	1941	478
Defense council See: CIVIL DEFENSE		
Defense highway act; federal grant; Overseas highway; state treasurer as receiving and disbursing agent	1941	417
Degrading punishment See: SCHOOLS		
Degree of kinship; nepotism act, defined under	1933	580
DELEGATES		
See: ELECTIONS		
Party See: Political party under ELECTIONS		
Delinquent children See: MINORS		
Delinquent officers See: STATE OFFICERS AND EMPLOYEES		
Delinquent tax list See: TAXATION		
Delinquent taxes; licenses and license taxes See: TAXATION		
Democratic executive committee See: ELECTIONS		

Subject	Year	Page
Democratic legislative caucus; Tampa chamber of commerce entertainment; election laws not applicable	1951	145
Democratic national convention See: ELECTIONS		
Democratic party See: ELECTIONS		
Democratic primary See: ELECTIONS		
Dental examiners, state board of See: DENTISTS		
Dental hygienist See: DENTISTS		
Dental society, Florida See: DENTISTS		
Dentistry See: DENTISTS		
DENTISTS		
Corporation not authorized to practice	1931	734
Dental examiners, board of		
Applicants, holdovers; fees under 1955 law	1955	266
Attorney, employment; obtain injunction against dental violators; authorized	1953	496
Dental internship, county health units; not allowed	1951	583
"Doctor"; definition; use in trade name	1945	567
Examinations, applicants for; qualification and requirement	1955	154
Funds; protection of deposits by state banks	1945	571
Public officers	1945	571
Dental hygienist		
Application, fees under 1955 law	1955	266
Dentist, supervision by	1953	496
Graduation from accredited school, required	1931	874
Dentures; supply	1943	410
Internship; county health unit; not allowed	1951	583
Law; interpretation	1931	732
License		
Person cannot practice without	1931	435
Prerequisite to obtaining occupational license	1947	264
Suspension, board authority	1939	385
Medicine, dentistry within definition of, practice of	1947	264
Military force, renewal of license	1941	638
Practice of medical anesthesia		
License issued solely for; no board authorized	1957	921
Without license issued by medical board; prohibited	1959	13
Prerequisite to practice dentistry	1927	342
Registration, not required under chapter 12005	1937	253
Trustee ownership policies; discrimination	1949	539
Department of agriculture See: COMMISSIONER OF AGRICULTURE		
Department of education See: EDUCATION		
Department of interior; game and fresh water fish commission; migratory birds; rules	1949	405
Department of public safety See: PUBLIC SAFETY, DEPARTMENT OF		
Department of public welfare See: WELFARE		
Department of veterans' affairs See: VETERANS		
Dependent and delinquent children See: ADOPTION; CIRCUIT COURTS; MINORS; WELFARE		

<u>Subject</u>	<u>Year</u>	<u>Page</u>
Dependents; support of See: SUPPORT OF DEPENDENTS		
Depositions; oral examinations, unsigned and signature unwaived, period of several months; mailing of original by reporter to defendant's attorney	1959	621
DEPOSITORIES		
See also: BANKS AND TRUST COMPANIES; COUNTY DEPOSITORIES; SCHOOLS		
County funds and school funds; housing authority bonds as security for deposits of; eligibility	1957	144
Deposit of money paid into the court; procedure	1959	513
Exemption from security of certain deposits	1935	286
Private funds, transportation by sheriff, etc., from bank to; without authority	1959	91
Securities for public deposits	1935	285
DEPOSITS		
See also: BANKS AND TRUST COMPANIES		
Capital outlay bonds, method of; disbursement	1953	347
Federal savings and loan association; deposits by guardians, curators, etc.; eligibility as permitted by law	1957	45
Fire, casualty or title company; deposits, securities for; requirement	1957	463
State deposits		
Fuel tax anticipation certificates, interest bearing; eligibility	1953	11
Security	1943	100
State-guaranteed parkway bonds (series A) of New Jersey highway authority; eligible as security	1953	13
Universities' funds, temporary deposits of, in private banks; transfers; no legal objection	1953	338
Deposits in court See: REGISTRY OF COURT		
Deputy clerk circuit court See: CLERKS, CIRCUIT COURTS		
Deputy sheriff See: SHERIFFS		
Deputy supervisors of registration See: ELECTIONS		
Derelict property; disposition	1927	446
Descent and distribution See: PROBATE LAW		
DESERTION		
Father, responsibility of, toward deserted child of insane wife	1943	492
Illegitimate child, nonsupport by father; punishment	1953	675
DeSoto athletic booster's club; cooperative construction; school lands; agreement for rent; stadium	1949	290
DeSoto City, town of; city council; conflict between general law and special charter provision; prevailing act	1959	363
DeSOTO COUNTY		
Bonds, cancellation by state treasurer	1941	152
Clerk of county court; issuance of capias	1945	745
County commissioners		
General road funds; authority, rent, purchase new machinery	1949	179
School property; community centers; power to convey	1949	433
Judgment, payment by board of administration	1941	428

<u>Subject</u>	<u>Year</u>	<u>Page</u>
DeSOTO COUNTY (cont.)		
Justice of the peace districts, abolishment of; effect	1945	144
Kanner bill, cannot operate under, according to 1933-34 budget	1933	159
DETECTIVE AGENCIES		
License tax		
Collected by tax collector	1931	1001
Required	1931	997
DEVELOPMENT COMMISSION, FLORIDA		
Aeronautics fund, chapter 59-179, effect of accrual of funds held for benefit of counties	1959	169
Director; salary, limitations, etc.	1955	702
Quadri-centennial committee, funds released to; authorized, with restrictions	1957	766
Seaplane bases; rights of the public; regulations prescribed by	1957	621
State board of administration, duties related to certain pending bond issues	1955	223
Surplus property		
Acquire or dispose of, authority	1955	645
Procurement for schools, hospitals, etc.; advancing costs and expenses; authorized	1957	490
Validation of bonds or certificates; certificate of clerk of circuit court; application of law	1957	414
Devolution by escheat See: ESCHEATS		
Diesel fuel See: GASOLINE		
Dietary foods; artificial sweetener in food; labeling; special dietary use; regulations	1957	567 568
Dining rooms; hotel commission; rules and regulations on serving negroes	1949	469
Dioramas; fairs and exhibitions	1935	632
Diplomas; universities; engraved; public printing, authorized	1953	356
DISABLED PERSONS		
See also: VETERANS		
Disabled and blind persons; increased federal grants; maximum allowances	1955	823
Peddling medicine, exempt from license tax	1933	27
Permanently and totally disabled persons, aid to; qualifications of recipients	1955	476
Property tax exemption; to same person	1953	219
Tax exemptions	1953	308
Eligibility for certain	1955	118
In re	1931	673
Waive right to, when	1927	449
Disabled veterans See: VETERANS		
Disbarment proceedings See: ATTORNEYS AT LAW		
Discount consumer financing; purchases of certain documents from dealers in personal property at a discount, etc.; not governed by	1957	283
Diseases; venereal See: VENEREAL DISEASES		
Dishonorable discharge from United States army; does not bar citizenship	1933	542
Dispensing opticians See: OPTICIANS		
Distress for rent; sheriff to forcibly enter private dwelling to levy upon personalty; lock doors of business to effect attachment; authority	1959	37

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
DISTRICT COURTS OF APPEAL			DIVORCE (cont.)		
Clerk of circuit court, compensation in connection with appeals to	1957	285	Residence	1935	750
Judges; state and county retirement system, credit for prior service as attorney for certain board or commission; eligibility	1959	94	Salzburg, Austria; United States citizen; jurisdiction; recognition	1949	78
District officers; expense allowances insured in performance of their duties, payment	1959	542	State and county retirement system; designation of beneficiary; divorce or death; effect	1957	22
DISTRICT SOIL CONSERVATION BOARD			Validity and recognition of, when granted in Cuba	1929	413
Liability insurance, carrying; authority	1953	565	Wife and children; desertion; non-support; jurisdiction; criminal court	1949	584
Personal injury or property damage resulting from use of district machinery; liability	1953	565	DIXIE COUNTY		
District welfare board See: WELFARE			County commissioners		
DISTRICTS			Registration books; examination	1949	134
Immunity from municipal building restrictions and regulations	1959	153	Revision; authority	1951	104
Justice of peace See: JUSTICE OF PEACE			Tenth voting precinct, duty to recognize	1945	771
DIVIDEND CHECKS			Elections; registration books, closing time	1951	104
See: BANKS AND TRUST COMPANIES			Electors, reregistration of; alteration of election districts	1947	64
Liquidators See: BANKS AND TRUST COMPANIES			Prosecuting attorney; duty of county commissioners to employ	1945	239
DIVING BELLS			Tax assessors, attorney's fee to defend; payment	1951	224
Shares; application of securities law	1947	476	DOCKET		
Taking fish by use of, prohibited	1933	502	Civil cases	1943	124
DIVISION OF CORRECTIONS			County judge's court, preparation of docket for trials and appearances	1959	272
Clerk's fee in connection with commitment papers furnished to	1959	106	Docks; construction of in navigable waters; authority of trustees of I. I. fund	1959	373
Commitment to department of corrections, effect of as commitment to Raiford; length of sentence	1957	472	Doctor See: PHYSICIANS AND SURGEONS		
Forms of certificates to be used by sheriffs; authority of division to prescribe	1957	628	DOCUMENTARY STAMP TAX		
Indeterminate sentence, authority of trial court to impose	1957	505	Acceptances and notes, construction of law	1931	831
Industrial revolving trust fund; appropriation with surplus not to exceed five hundred thousand dollars	1957	228	Administrative officer not authorized to refuse to file document because of omission therefrom of such stamps	1931	234
Uniform commitment			Advertising	1935	34
Form of, clerks, duty as to use of adopted form	1957	479	Contracts		
To custody of division of corrections; use in capital cases; form prescribed	1957	677	Outdoor, documentary stamps required on leases for lands and buildings for use in	1933	49
Division of mental health; director; superintendent or employee; tort liability to persons injured in connection with operation of certain state institutions; exemption; insurance coverage, purchase	1959	563	Agreements, standard forms of; liability	1933	41
DIVORCE			Amount		
See also: DOMESTIC RELATIONS; HUSBAND AND WIFE			Estimating, method	1931	487
Alimony payments; suspension upon induction in military service	1941	73	Manner of payment	1939	906
Children, custody awarded father; kidnapped by mother, violation	1951	725	Required	1931	435
Dependents, support of; legal action taken after divorce granted	1955	64	Annuity for life or life in being, tax situs	1959	924
Failure to support child; agreement; connection divorce proceedings; extradition legal	1949	583	Appearance bonds	1935	651
Final decree should appear on record	1931	807	Assignment, wages		28
Ground and requirements	1931	849	Agreements concerning; liability	1949	259
Insanity not ground	1949	566	Chattel mortgages and wages in one instrument; liability	1933	48
	1957	928	Labor union, for payment of certain dues, premiums, etc.; tax situs	1959	53
			Written agreements, subject to	1931	885
			Bail bonds subject to	1931	1034
			Bankrupt estate required to attach to deeds of assignment	1931	1039
			Bills of sale	1931	491
					945
					211
					339
			Bonds		
			Assigned out of state	1935	26

Subject	Year	Page
DOCUMENTARY STAMP TAX (cont.)		
Bonds (cont.)		
Conditional or double; secured by mortgage; requirements	1949	255
Construction of law	1931	871
County bonds, sale or assignment	1935	33
Deed, issued by church corporation, not exempt	1931	396
Forthcoming	1943	227
Government		
Exempt	1931	915
Not required	1931	488
Mortgages; deed in trust	1943	223
Municipal bonds, sale or assignment	1935	33
Subject to	1931	1063
Title to real estate, for; requirements	1951	314
Transfers	1931	835
Building and loan stock	1931	859
Building contract between municipality and building contractor, application of law to, whereby city agrees to pay a sum of money	1933	38
Cashiers' checks, construction of law in re	1931	831
Certificates of stock, transfers; liability	1957	566
Certificates of title to governmental instrumentalities, tax situs	1959	644
Certified checks		
Construction of law	1931	831
Subject to	1931	845
	1941	8
	1931	1006
Checks not subject to		
Citrus exchange and affiliates, Florida; applicability of law to "uniform crop agreement"	1933	38
Clerk's certificate of title, stamp taxes; liability and payment	1959	728
Collateral agreement		
Bank and corporation, between		
Liability	1953	271
Tax situs	1953	269
Forms	1941	212
Collateral securities, transaction involving pledge of, application of law	1931	953
Commercial paper signed and payable outside of state, when subject to	1931	874
Conditional sale contracts		
Assignments, and; subject to	1931	842
Subject to, unless enforced and collected in another state	1931	853
Construction of law in general	1931	281
		912
		1016
Contracts		
Construction of law	1931	841
Sale and conveyance of realty, tax situs	1959	381
Contractual obligations brought into state for collection, taxability	1959	776
Conveyances		
Property settlement, in connection with; taxability	1959	380
Remove clouds from title of real property; taxability	1959	763
Copies of originals, stamping of, under some circumstances allowed	1959	727
Corporate stock		
Change in value by amendment; additional tax situs	1957	593

Subject	Year	Page
DOCUMENTARY STAMP TAX (cont.)		
Corporate stock (cont.)		
Conveyances for issuance of; payment	1957	11
Exchanges; reorganization; tax situs	1957	89
		112
Issued in names of nominee; subsequent transfer to proper person; tax situs	1959	754
Original issue; place of issue; liability	1957	606
Sale; Florida owners; out-of-state exchanges; tax situs	1959	579
Corporation and bank agreement; bank loan money upon oral request; liability	1959	341
Corporations		
As payee, commodity credit, applicability of law to promissory notes made to	1933	38
Dissolution; conveyances in connection with; liability	1953	273
Dissolved; when required to pay	1937	506
Stock book of; when should bear stamps	1931	894
Credit plans or accounts and similar agreements, taxability	1959	142
Crop lien subject to	1931	853
Deeds		
Amount required on certain	1931	482
		494
Assuming, taken subject to existing mortgages; taxability	1959	378
Cemetery lot, when subject to	1931	1000
Certain, subject to	1931	862
Construction of law	1931	841
Contracts to and from state agencies	1943	225
Conveying Florida real estate, subject to	1931	979
Correction; when requires one stamp	1933	50
County, from; exemption	1945	336
Executed outside of state, when required	1931	988
Gift	1935	32
Liens; subject to; amount	1945	337
Mortgages and assignments subject to	1931	855
Private owner to ship canal authority	1935	29
Property of corporation, conveyance to owner all but two shares of stock	1935	28
Pursuant to contract to convey	1945	338
Sheriff's, subject to	1931	1017
Ship canal authority to United States	1935	29
To and from state	1943	225
Deeds and notes, not double taxation to place on	1931	1002
Deposit certificates		
Construction of law	1931	831
Subject to	1931	307
		915
		984
Deposit receipts	1947	224
Effective date of law	1931	310
Eminent domain proceedings and decrees; liability	1957	515
Equipment, leases with option to purchase, liability	1959	490
Equity certificates		
Growers' surplus	1949	256

Subject	Year	Page
DOCUMENTARY STAMP TAX (cont.)		
Equity certificates (cont.)		
Nonprofit cooperative association	1949	256 258 515
Exchange of class of stock for another class, taxability	1959	408
Exemptions	1955	216
Internal improvement fund deed, contracts	1943	225
Not allowed	1931	960
Extension of existing obligation, method of payment	1931	964
Federal		
Agencies; notes and obligations held by	1949	254 258
Land banks, construction of law	1931	281
Final decree assignment, application of law	1931	907
Florida corporation; merger by transfer; deeds not subject to tax	1949	254
Foreign contracts	1943	226
Governmental		
Agencies not subject to	1931	871 889
Bodies, conveyances of	1941	213
Housing projects, documents in connection with financing; tax situs	1957	653
Instruments		
Conveying interest in land, subject to	1931	840
Effective date, delivered prior to; application of law	1931	1016
Federal land bank, executed by; exempt	1931	878
Filed for record; duties, clerks circuit court; interpretation of law,	1931	842
When required on certain	1931	479
Internal improvement fund; exemption	1943	225
Interpretation of law	1931	274
Interstate installment purchase agreement, liability	1945	339
Leases		
Amount required on, construction of law	1931	1047
Cooperative apartment leases	1947	231
Duplicate copy of, not required	1931	988
Lands, long term lease; taxability	1959	525
Option; application of law	1933	44
Railroad property, subject to	1933	47
Real property		
Amount, due date, etc.	1947	227
Tax, computation of	1947	223
Subject to fair consideration upon	1931	487 839 974
Written, documentary stamps required on	1933	43
Master's deeds subject to	1931	724 828
Federal court proceedings	1931	953
Governmental agencies exempt	1931	892
Special	1931	987
Minimum tax, ten cents	1931	855
Moneys required, obligations to pay	1931	504
Mortgages		
Amount required on certain	1931	482 494

Subject	Year	Page
DOCUMENTARY STAMP TAX (cont.)		
Mortgages (cont.)		
Assignments	1931	307 851 869
Partial	1945	337
Subject to, when	1943	227
When required on	1931	824
Chattel mortgage	1931	485
Amount	1945	339
When subject to	1931	854
Collateral, given, as subject to	1931	869
Construction of law	1931	841 864
Executed outside of state, when required	1931	988
Extension of mortgage on Y. M. C. A. property subject to	1931	1034
Foreclosure; receiver, national bank not required to pay	1931	965
Interest coupons not subject to	1931	893
Nonresident mortgagee	1945	337
Proceeds from mortgage assignments, assignments of	1947	230
Production credit association, farmers' home corporation or federal land bank	1949	254
Real estate, documentary and intangible taxes on notes secured by pledges of; liability	1959	360
Required, when	1931	484 620 962
Satisfaction does not require	1931	962
Mortgagor; full or partial satisfaction of indebtedness; conveyance of mortgaged premises to mortgagee; liability	1959	317
Motor vehicle sales financing, documents or instruments subject to tax	1959	77
Motor vehicle tires, agreements for sale	1943	227
Mutual building and loan associations, when required	1931	278
Ninety-nine year lease, amount required	1933	44
Nonprofit cooperative associations; certificate of equity; liability	1949	256 257 515
Not applicable in certain cases	1931	1043
Notes		
Construction of law	1931	864 871
Contract attached promising payment	1949	256 257
Promissory		
Bill of sale, conditional; secured by, subject to	1931	832
Contracts; promised payments contained in	1949	256 257 258
Delivery to federal or state credit union; liability	1955	786
Executed and delivered in other states, brought in state by payee or holder; documentary stamp tax, exemption	1959	709
Instruments executed by federal agencies	1935	31

Subject	Year	Page
DOCUMENTARY STAMP TAX (cont.)		
Notes (cont.)		
Promissory (cont.)		
Line of credit with bank, legality	1959	118
Made in other states to a state bank; excise tax liability	1959	569
Made or executed by federal credit unions; liability	1957	23
Mortgage executed in Georgia; later sent to Florida; liability	1957	613
Nonresidents, when subject to	1931	855
Production credit association, farmers' home corporation or federal land bank	1949	254
Religious organization, executed by; exemption	1947	230
Signed in other states, accepted in Florida; tax situs	1955	930
Situs in another state, with	1945	337
Subject to	1931	1002
Written obligations to pay; taxability	1959	432
Renewal		
Additional sales, by; requires additional	1939	436
Increased interest rate; tax situs	1959	28
Subject to	1931	841
	1937	507
Required on, when	1931	484
		620
Secured by mortgage to reconstruction finance corporation	1947	228
Subject to	1931	832
		1063
Assignment of	1933	45
Written extensions or renewal of, subject to	1931	854
		868
Obligations, written, to pay money to United States or its agency; liability	1955	761
Oil and gas leases	1945	336
Assignment	1949	255
Options not subject	1933	46
Payment, amount and manner of	1939	435
Policy loans by insurers	1949	257
Property		
Gift of	1945	335
Sold by receivers; national banks not exempt	1931	862
Pulpwood, mortgage and supplemental agreement for payment of loan in; tax liability	1955	825
Purchase orders; liability	1945	339
Real property, conveyance; interest in; not liable	1953	265
Receivers, national banks, not required to pay from assets of trusts in hand	1931	882
Reconveyance of vendee's interest to vendor; etc.; tax situs	1959	712
Refund of excessive amounts paid not authorized except by legislative act	1931	1028
Report to comptroller required	1931	481
Retail installment		
Revolving account contract or agreement; taxability	1959	432
Sales act, taxability	1959	410
Retain title contract	1933	48
Furniture company, of; subject to	1931	873
Requires	1931	478
Subject to	1931	867

Subject	Year	Page
DOCUMENTARY STAMP TAX (cont.)		
Riviera country club; certificate of membership	1949	258
Rural electrification administration, notes and other obligations of; tax situs	1957	830
Sales and purchase tickets; written obligation to pay; limited signature; effect upon instrument	1957	416
Sales contract subject to	1931	891
		938
Conditional	1931	854
School board not required to affix to note	1931	609
Shares of stock; exchange of corporate stock; reorganization; tax situs	1957	112
Single note given for renewal of two or more notes; taxability	1957	929
State agencies not required to pay	1931	819
Stock certificates		
Assignments, subject to	1931	863
Documentary stamp tax measured by face value of, not face value of each share	1933	39
Powers of attorney, subject to	1931	828
Sold or pledged as collateral, liable	1931	908
Subject to	1931	828
		829
		1017
Transferred by nonresident, when subject to	1931	843
Stock voting trust arrangements, etc., liability	1959	361
Stockholders' proxies	1947	222
Stocks		
Agreements		
Corporations subject to	1931	955
Sell stock and membership certificates; construction of law	1931	857
Construction of law	1931	871
		899
Corporation must pay upon transfer of	1937	505
Face value or par value of determined amount	1931	973
Foreign corporations, local transfers, tax situs	1955	913
National bank stock, reissue	1935	27
New York exchange, sold through, subject to	1931	895
Original issue of stock where stock is changed from par value to no par value	1933	42
Preferred; issued by state bank and purchased by reconstruction finance corporation; applicability of law	1933	42
Reissue of, not subject to	1931	378
Shares		
Broker, held by	1947	226
Reissued to successor or surviving trustees, tax situs	1955	942
Sold in another state; liability for tax	1947	224
Transfers, by last will and testament; tax situs	1955	313
Subscription contract; liability	1957	395
Ten cents per share, to be attached to no par value stock in certain cases	1931	980
Transfers	1935	26
	1943	228

<u>Subject</u>	<u>Year</u>	<u>Page</u>
DOCUMENTARY STAMP TAX (cont.)		
Stocks (cont.)		
Transfers (cont.)		
Executor, subject to	1933	49
Required upon	1937	505
Stamps, method of attaching	1931	891
Subject to	1931	868
		1053
When required	1931	359
Sub-lease, required on	1933	46
Timber sale contracts; cashier's checks and money orders; liability	1957	288
Title certificates		
Amount, paid by purchaser	1953	267
Clerks, fee	1953	267
Cost, payment	1953	267
Notice of sale, publication; expense, payment	1953	267
Record, information required	1953	267
Transfers; construction of law	1931	871
Travelers' cheques not subject to	1931	893
Trust deeds		
Not subject to, if stamps placed on bonds or notes	1931	864
Subject to	1931	1009
Supplemental; subject to	1931	878
Trustees, transfers and assignments to, as subject to documentary stamp tax	1933	45
"Uniform crop agreement" used by Florida citrus exchange and affiliates, applicability of law	1933	38
Voting trust certificates, liability	1941	215
Wages		
Assignments; agreements concerning	1949	259
Chattel mortgage and wages in one instrument, assignment of; mortgages incorporating evidence of indebtedness	1933	48
Written assignment of, subject to	1931	885
Waiver of claims for taxes on stock owned by nonresident, when should issue	1931	283
Wholesale warehouse mortgage agreement, definition; exemption	1955	309
		374
Written agreements for sale and conveyance of real property, taxability	1959	381
Documents; book "Florida: Wealth or Waste", definition	1947	373
Dog boy See: PRISONERS		
Dog racing See: RACING		
DOGS		
County judge as registrar; fees	1949	196
Dog food, application of law	1937	267
Quarantine, enforcement by sheriff	1947	415
Training coursing dogs; occupational license	1945	354
Domestic airline companies See: AIRLINE COMPANIES		
Domestic help; authority of employer, to reject waiver under workmen's compensation law	1939	369
Domestic insurance companies See: INSURANCE		
Domestic relations See: DIVORCE; HUSBAND AND WIFE; MARRIAGE		
DOMICILE		
Affidavits; recorded; books, clerks circuit court	1949	36

<u>Subject</u>	<u>Year</u>	<u>Page</u>
DOMICILE (cont.)		
Construction	1935	519
County officials; requirements	1949	155
Declaration of intention; acknowledgment; homestead exemptions	1949	287
Establishment	1933	572
Feeble-minded boy; former charge, state of New Jersey; entrance requirements; Florida state hospital	1949	421
Florida resident, insane wife	1945	532
Home defined; eligibility vote while employed elsewhere; Holmes county	1949	89
		91
		92
		94
Illegitimate child	1945	528
Insane person; requirement for admission to Florida state hospital	1947	423
Legal home of citizen, defined	1933	540
Permanent resident; tax exemption	1949	218
Registration renewal certificates; Hardee county reregistration; residents working elsewhere	1949	131
Requirement to vote	1933	343
	1949	89
		91
		92
		94
Sheriff; cost bill; capias; no property found	1949	620
Wife same as husband	1939	543
Domicile and registration requirements to vote See: ELECTIONS		
Dormitory housing projects; construction of, off-campus lots; under future board of control; requirements	1953	340
Dorr and Carlstrom fields; acceptance by state	1947	426
Double jeopardy See: CRIMINAL PROCEDURE		
Dower estate See: PROBATE LAW		
Drag nets See: NETS, SEINES, ETC.		
DRAINAGE		
Private property, draining onto	1917	137
Taxes		
Assessment	1927	425
Canal, privately owned	1947	175
Certificates, sold by clerk circuit court	1913	258
Collection by tax collectors	1905	87
Law, not affected by	1927	428
Payment for collection	1907	31
Procedure if unpaid	1925	348
Road department rights of way, payment	1941	418
School lands not subject	1937	209
State lands, if eligible	1939	512
Tax collector not entitled to commissions for collecting	1937	95
Taxpayer entitled to certain discount	1929	212
DRAINAGE DISTRICTS		
See also: EVERGLADES DRAINAGE DISTRICT; FLOOD CONTROL DISTRICTS; TAXATION		
Application of chapter 14713, acts 1931	1931	839
Audit of books; direction of governor	1943	106
Baldwin drainage district; assessments; county settlement	1949	346
Beaches and beach front property, protection	1951	450

Subject	Year	Page
DRAINAGE DISTRICTS (cont.)		
Bond election; time for registration	1947	117
Investment of reserve funds, federal savings and loan association share accounts	1955	553
Lands of game and fresh water fish commission; assessment; validity doubtful	1949	345
Officers and employees; county retirement system, eligibility	1951	218
Palm City drainage district; tax roll	1949	345
Railroads; rolling stock; subject taxation	1949	245
State property		
Inland navigation district taxes; exempt	1949	345
State departments, liability	1943	309
Supervisor		
Appointment	1937	617
Removal or suspension by governor	1943	106
Tax		
Delinquent land; sale; proceeds; distribution; Baldwin drainage districts	1949	242
Foreclosure; effect on Murphy lands; duty of assessor	1945	307
Roll preparation by employees, Dade county assessor; fees	1949	196
Sale certificates; state and county; inclusion of; Murphy act, not within purview	1953	352
Sales; fixing valuation on land; rights of district	1955	563
Taxes; collector's fees	1947	200
Taxpayers; discounts	1941	369
DREDGING		
Equipment; taxation; location	1951	309
Navigation improvement; Pinellas county navigation control authority to issue permit	1959	182
Operators; workmen's compensation coverage, employees; eligibility	1953	475
Drinks See: ALCOHOLIC BEVERAGES AND LIQUORS		
DRIVE-IN THEATRES		
Coupon tickets, free gasoline; lottery laws, whether violative	1951	740
Free admission, prizes; lottery laws, whether violative	1951	746
Patrons participation in certain game entitled "Scunk"; whether violative of lottery laws	1957	640
Drivers' licenses See: MOTOR VEHICLES		
Drivers' schools; driving instructions to adult students, public school teacher; license requirement	1955	612
Drug addict See: NARCOTICS		
Drug inspection division; arrests or searches of narcotics addicts, not authorized to make	1939	310
DRUG STORES		
Biologicals, sale of, when not registered	1935	480
Intoxicating liquors, required to procure license to sell	1933	323
License by state board of health	1933	23
Denied, when	1933	436
Pharmacy; registration fee	1931	422
Sundry stores operating as; authority of pharmacy board to regulate	1953	494
Wholesale dealers, use of title, employment of registered pharmacist	1941	637
Wine for sacramental purposes, confined to sale of; unless property licensed	1933	322

Subject	Year	Page
DRUGS		
Advertisement; sundries and medicines; wholesale houses	1949	454 455
Benzedrine, use of, while driving	1957	815
Compounding under supervision of registered pharmacists	1935	479
"Dangerous", prescription	1941	656 657
Hospital stocks; legally labeled container; administration by qualified nurse	1949	467
Licenses; persons authorized to prescribe and administer	1945	604
Misbranded unless sold on prescription; licensees	1945	605
Naturopaths, prescription by; practice of materia medica	1945	572
Patent medicines and certain drugs may be sold without a registered pharmacist in charge	1933	438
Prescription; licenses	1945	604 605
Transportation by mail	1927	258
DRUNKARDS AND DRUNKENNESS		
Conviction, term served; subsequent arrest; double jeopardy	1951	753
Driver's license		
Department or convicting judge, authority to restore violator's driving privileges	1959	364
Justices of peace; jurisdiction, revocation	1949	71
Driving laws, enforcement	1941	765
Drunken drivers; amended law, application to conviction which occurred prior to effective date of act	1959	351
Fines imposed	1923	222
Instructional school staff members; dismissal or suspension	1957	749
Motor vehicles; without licenses; two charges, same transaction	1949	570
Municipal court		
Appeals from; supersedeas, operate as	1955	88
Suspension of driving license; jurisdiction	1953	185
Penalties; enforcement of; county judge, power	1953	688
DRUNKEN DRIVING		
Charges changed to reckless driving; new affidavit required	1957	531
Police officer, arrest without warrant; authority	1959	101
Proof of impairment of defendant's normal faculties, necessity for	1959	100
DRUNKOMETER		
Defendants, drunk driving cases; drunkometer report, right of copy	1957	83
Municipalities; prisoner's test; transfer allowed; St. Petersburg and Madeira; authority	1949	572
Dry cleaners See: DYE WORKS AND DRY CLEANERS; LAUNDRY AND DRY CLEANERS		
Dry cleaning and laundry board; agencies, collection of additional license fees	1941	667
DRY COUNTIES		
See also: ALCOHOLIC BEVERAGES AND LIQUORS		
Defined	1905	202
Fruit spirits, manufacture of	1943	442

Subject	Year	Page
DRY TERRITORY		
See also: ALCOHOLIC BEVERAGES AND LIQUORS		
Importation, transportation and possession of intoxicating liquors unlawful in	1933	314
Manufacture of intoxicating beverages in, unlawful	1933	323
Possession of intoxicating beverages in, for personal use, lawful	1933	325
Shipment of intoxicating beverages into, limited	1933	328
Dry Tortugas; shrimp grounds; within boundary, state of Florida; jurisdiction	1949	413
Dual employment; state or county employees; legality	1959	517
DUAL OFFICES		
Appointments; sheriff; probation officer, as	1945	128
Board of control; eligibility of members for appointment to county office	1937	242
City attorney as state attorney; appointment valid	1949	35
Compensation of officers for services as board member	1953	355
Constables		
Chief of police, as	1947	625
Deputy sheriff, as	1945	121
Legality	1949	62
Inspector of marks and brands, as	1917	434
Constitution prohibits the holding of two or more	1927	321
County and municipal office, holding at same time	1917	420 421
County commissioner		
Deputy sheriff, as	1945	127
Eligibility of, to serve as pilot commissioner	1947	627
Postmaster, as; ineligible for both offices	1904	71
Sheriff; eligibility as candidate	1947	119
Supervisor of soil conservation district, as	1949	181
County officers not authorized to hold two	1931	761
County or state officer authorized to hold reserve officers' commissions in United States army	1929	334
County prosecuting attorney, permissibility of holding office as assistant state attorney	1959	218
County school board		
Member as teacher	1945	382
Road superintendent, eligibility of	1945	202
County school superintendent, appointment as bonded deputy sheriff; to serve without pay; eligibility	1957	511
County treasurer		
Candidate for another office, as	1915	262
Postmaster, as	1913	177
Deputy sheriff		
Constable, as	1915	303
Game warden, as	1913	187
School trustee, as	1947	623
Ensign in navy and county judge	1917	234
Exceptions to law prohibiting one person from holding more than one state office	1933	611

Subject	Year	Page
DUAL OFFICES (cont.)		
Holding more than one office	1919	129
	1931	966
	1935	818
	1937	464
	1949	51
Judge		
Court of record of Pasco county also attorney for county commissioners	1949	51
Criminal court and captain of home guards	1917	130
Juvenile court; membership on Florida children's commission; eligibility	1947	624
Justice of peace		
Assistant postmaster, as	1915	300
Mayor, as	1915	245
Permitted	1957	126
Member school board, as	1917	410
Notary public, as	1915	305
United States commissioner, as	1917	147
Municipal		
Judge; law partner eligible for appointment as city attorney	1949	449
Officer as constable; prohibition	1949	66
Performing functions of more than one office	1907	176
Position and office distinguished, persons not to hold two offices	1935	208
Postmaster and justice of peace	1917	441
Probation officer as constable	1947	167
School trustees as school bus drivers, not allowed	1949	305
Sheriff; game warden as	1915	238
State		
Attorney as city attorney; permitted	1949	35
Incumbent prohibited from holding two offices	1925	72
Or county	1929	334
Representative as school trustee	1947	623
Senator as citrus commissioner	1947	523
Superintendent as Everglades Park commissioner	1945	778
State and county officers, authorized to hold reserve officers' commissions in United States army	1945	121 127 128 778
State and federal	1913	69
	1917	101
	1925	391
State and municipal; permitted when	1931	584
Supervisor of registration		
Clerk in office of county judge, as	1917	187
Eligibility for other office	1947	66
Tax assessor		
County enumerator, as	1913	221
County judge, elected to office of; continues in office until successor qualifies	1904	57
Utility board member as precinct committeeman	1949	89
Veterans' service officer as finance officer	1949	343
Dump trucks See: MOTOR VEHICLES		
Dupree estate; employees or attendants, status of, under workmen's compensation law	1939	375

<u>Subject</u>	<u>Year</u>	<u>Page</u>
DUVAL COUNTY		
Appropriation; gasoline tax; budget commission no control	1949	272
Baldwin drainage district; tax delinquent lands		
Sale; proceeds, distribution	1949	242
Settlement	1949	346
Board of forestry, cooperation with	1939	303
Bonds eligible for investment of sinking funds collected for retirement of school district bonds	1939	152
Budget commission		
Jurisdiction; board of public instruction	1943	268
Powers	1943	185
Circuit judges; qualification of candidates; special primary	1949	144
Civil service; public officers	1943	161
Clerk's filing fees, divorce cases	1945	104
Constables no authority to appoint deputy	1949	64
County judge as registrar of dogs; fees	1949	196
Criminal and civil courts of record; clerk's compensation	1959	249
Criminal court of record		
Absentee docket, dismissal of prosecution	1951	771
Court reporter; appeal transcripts; compensation	1949	38
Employee's retirement fund; simultaneous membership in county officers and employees retirement system	1947	168
Funds; deposited juvenile court; withdrawal; order circuit court	1949	77
Hospital board, appointment of unqualified person; status of such appointee	1955	916
Judge of civil court of record; candidates' filing fee, etc.	1947	90
Jury list; qualified women; commissioners authorized to include	1949	75
Justice of peace, office budgets, overspent; collection of over expenditures	1959	719
Justices of peace and constables, vacancies, appointment; expiration of term, election	1955	860
Juvenile court, judge; search warrant, issuance; authority	1955	957
Probation and parole officer; appointment, term	1945	136
School district employees; nomination and employment	1945	383
School funds; budget commission; control	1949	291
Small claims court; jurors, sheriff, fees	1951	83
Special tax school district bonds, eligibility of securities	1953	580
Welfare board; changing plans for hospital without readvertising for bids	1947	153
DYE WORKS AND DRY CLEANERS		
License tax to be paid	1929	383
Liable for	1927	438
Officers of board, contributions	1935	521

Subject	Year	Page	Subject	Year	Page
Earth moving vehicles; license registration; requirement	1955	149	EDUCATIONAL INSTITUTIONS (cont.)		
EASEMENTS			Intangible personal property tax; exemption	1955	409
Barricades of roads; public purposes, survival	1951	497	Radio stations operated for profit by; taxation, exemption	1949	226
Instrument granting; interest in land; post office address of grantee; requirement	1955	312	Sales of exempt properties after tax day; tax exemptions	1957	452
Municipal power lines outside county; public utilities plant; taxation	1949	222	Taxation, when exempt	1929	373
Murphy act lands; public purposes; survival	1949	225	Trust properties, income used for; tax situs	1955	909
Roadway			Vacant lots owned by; taxability	1957	873
Private	1917	114	Educational leave scholarship; department of public welfare; state funds used for; prohibited	1953	465
Width, requirements	1951	497	Educational programs; prevent or curb crime and juvenile delinquency; expenses by sheriff's office in connection with; payment	1955	685
East Flagler mosquito control district; officers, term of office	1959	487	Educational television commission; television studio, expenditure of funds appropriated in construction; authorized	1957	668
EAST VOLUSIA COUNTY ANTI-MOSQUITO DISTRICT			Efficiency apartments See: APARTMENTS		
Borrowing money in anticipation of taxes; authority	1947	152	EGG LAW		
Commissioners; manner of election	1949	416	Advertisement, regulations	1933	562
		418	CCC camps; applicability of statute when sold to	1937	269
Eclectic examining board; license, certain physicians entitled to	1927	252	Classification law; interpretation	1929	251
EDUCATION			Commissioner of agriculture; duties	1937	269
Advance study; income tax; expenses, deductibility	1949	328	Sales to army and navy post made on lands under United States jurisdiction; no authority to enforce	1939	326
Advisory council on; lay council; membership eligibility	1955	38	Eglin Field military reservation; jurisdiction, ceding to United States, description of lands	1947	11
County board See: County board of public instruction under SCHOOLS Department			Ejectment; hotel and apartment house owners; undesirable guests and tenants	1953	55
Federal grants, custodian, acceptance	1951	400	ELECTIONS		
Publications by; royalties; general revenue	1951	435	Absent electors See: Electors, this heading		
Federal aid; education funds, custodian, acceptance	1951	400	Advertisement, political; requirements	1951	154
Florida state university See: Florida state university under STATE UNIVERSITIES			Alcoholic beverages, sale of	1905	170
Human tissues on slides not in violation of law	1937	621	Election day; prohibited on	1951	202
Regional institutions; veterinary medicine; nonresident students; admission	1949	324	Election on sale of See: Local option, this heading		
Retirement system See: RETIREMENT SYSTEMS			Special elections; effect of amendment of \$104,381, F. S.	1953	117
Scholarships See: SCHOLARSHIPS			Alien-born citizen; registration	1947	54
State board of engineer examiners; university teaching staff; additional compensation	1949	324	Ballot boxes		
State superintendent See: SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE			Application of law	1931	997
Teachers See: SCHOOLS			County commissioners		
Retirement system See: RETIREMENT SYSTEMS			Duty to deliver	1947	59
Textbooks See: SCHOOLS			Preparation	1937	135
Trustees See: SCHOOLS			Three sets furnished	1931	659
University of Florida See: University of Florida under STATE UNIVERSITIES			Two sets furnished	1927	333
Education, board of See: SCHOOLS			Disposition of contents	1931	644
Educational association; school district trustees, payment of expenses to meeting	1937	192			649
EDUCATIONAL INSTITUTIONS			Locking or sealing	1951	203
Abolishment; funds; disposition	1905	41	Opening	1927	415
Cafeteria, operation, by private business; license requirement	1957	118		1949	121
Corporations; tax exemption	1949	247		1953	101
			Period sealed; requirements	1949	139
			Poll lists, etc., to be preserved	1931	645
			Possession and view, application of law	1931	997
			Primary	1935	367
			Straw vote on public question; use	1953	69
			Three sets required	1931	952
			Transmission; preservation	1935	341
			Two sets required	1927	333
			Use	1953	101

Subject	Year	Page
ELECTIONS (cont.)		
Ballot boxes (cont.)		
Use (cont.)		
Local option elections	1951	630
Ballots		
Assistance in marking permitted in certain cases	1927	324
		327
	1929	369
	1931	528
		1001
	1935	350
Bedside of elector, election law does not permit being taken to	1931	662
Blind person or one incapable of marking	1931	989
Illiterates	1945	161
One inspector only authorized to mark	1927	391
Two inspectors may assist elector	1931	979
Blank lines	1935	343
		344
Candidates		
Arrangement of names	1927	369
		421
	1943	149
		150
		151
Alphabetical order	1943	152
Defeated in primary prohibited from having name printed on ballot for general election	1927	331
General election, when name cannot be printed on ballot	1931	900
Name omitted from ballot; violation of law; county commissioners, authority	1953	88
United States president, printing; requirements	1951	186
Unopposed; executive committee; name on ballot not required	1953	90
Constitutional amendment proposals; printing	1949	104
County commissioners, preparation	1945	175
Printing of certain names on ballot, unauthorized	1925	378
Death of primary nominees, placing names on ballot when vacancy occurs	1935	375
Determination of names for printing	1943	155
Disposition		
Election board, by	1947	94
Governing authority, left to	1931	720
Dummy; within law to print	1931	996
Executive committee nominees; names on; prohibited	1951	196
Failure to provide nominee; effect on preparation	1951	163
Form	1923	286
Designation following names of candidates not authorized	1939	112
		113
Local option election	1945	639
	1947	507
	1949	499
Constitutionality		
Proposed constitutional amendments	1945	172
General election		
Name on ballot	1927	296
Persons eligible	1945	171

Subject	Year	Page
ELECTIONS (cont.)		
Ballots (cont.)		
General election (cont.)		
Preparation of ballot	1931	260
Three candidates tie in primary, names should appear on ballot	1927	293
Marking	1943	148
Assistance	1927	324
		327
	1929	369
	1927	370
Method		
Cross mark (x) or check mark (v)	1949	140
Name on		
Clerk, circuit court; duties as to county superintendents	1947	301
		302
Independent candidates	1943	139
	1949	141
	1951	173
Prerequisites	1927	333
Nicknames, use; authorized	1951	123
No nominee; county commissioners without authority to provide	1951	163
Nominee in primary to be printed for general election	1931	976
Certain statements not filed on certain date, though	1927	352
Persons eligible as candidates	1945	171
Prerequisites	1929	407
	1931	958
	1935	366
Printing; ballot boxes; law construed	1927	333
Removal; presidential and vice presidential candidates	1959	721
Use of title "Dr."	1951	123
National; nonresidents in armed services; registration	1951	98
Place office to be filled on, authority	1917	226
Precinct committeeman, unopposed; name on ballots	1957	573
Preservation	1957	146
Presidential electors, legality of ballot cast for less than eight	1947	74
Question on		
Proposed memorial; world federal government	1949	106
Two may be submitted	1931	836
Referendum clause should appear	1931	590
Second primary, name of candidate receiving third greatest vote cannot be placed on	1933	361
Secret ballot adopted in 1895	1933	344
Single candidate's name on ballot	1947	93
Stickers containing name of candidate, use prohibited	1927	420
Time for printing	1927	414
United States president and vice-president, split votes; effect	1951	164
Unopposed candidates, names not printed on	1949	100
		127
		129
Voting machines	1943	147
War ballots		
Affidavit required	1943	152
Secretary of state, duties	1941	79

Subject	Year	Page
ELECTIONS (cont.)		
Ballots (cont.)		
War ballots (cont.)		
Vacancy in nomination; filling	1943	160
Write-in votes		
Candidates of minority parties; stickers illegal	1931	1048
Cross mark (x) before candidate's name		
General election, not required in	1949	107
Names of primary election nominees only to be printed	1933	347
Requirements	1939	107
Legality	1931	757
Method	1945	173
Preparation	1943	147
Validity	1925	368
Bar rooms, saloons, etc., closing of, at special election	1959	346
Bond elections		
County	1909	40
Drainage; time for registration	1947	117
Freeholders		
Broward county; eligibility to vote; modification of opinion	1949	148
Certification	1941	149
Definition; qualification to vote	1949	147
Duties	1953	100
Homestead exemptions	1935	391
Hospital bond election; status and validity; canvassing board; findings doubtful	1949	151
List		
Method of obtaining	1945	200
Purging of; county commissioners, authority	1957	136
Long Key sewer district; qualifications	1955	74
Petition; majority required	1949	150
Qualification of, to participate in, when held in special tax school districts	1915	234
Registration, eligibility	1947	113
Special tax school district; qualifications	1949	146
Supervisor with respect to; duty of	1953	100
Joint elections		
Conjunction with regular primary; procedure	1953	94
Same date; conjunction with primary; legality	1949	153
Tax levy election; same day as general election; legality	1947	78
Municipal; freeholders, defined	1953	93
Prerequisites; proper organization of district	1915	250
Qualification to participate	1925	367
Registration books, purge of, subsequent to	1951	168
School districts		
Absent electors, ineligible	1949	112
Ballot boxes; delivery by school board	1947	300

Subject	Year	Page
ELECTIONS (cont.)		
Bond elections (cont.)		
School districts (cont.)		
Bond issuance	1933	409
Broward county; registration	1949	148
Candidate for trustee; qualifications	1947	297
Cost of special registration; payment	1957	24
Creation of new district; tenure of former trustee	1947	291
Designating one polling place to serve two precincts; legality	1957	614
Electors		
Eligibility	1933	367
Homestead exemptions; eligibility to vote; school bond elections	1949	310
Qualifications	1921	395
Homestead exemption amendment, effect	1935	427
Right of court to pass upon	1939	208
Holding in conjunction with primary election; prohibited	1949	153
Insufficient votes cast; subsequent balloting	1941	289
Irregularities; effect	1947	297
Majority vote, determination; millage	1945	413
Poll tax, payment; prerequisite to vote	1937	149
Prerequisites	1945	418
Procedure	1943	264
Publication of notice	1947	299
Purge of registration books subsequent to	1951	168
Registration	1945	185
Registration books, opening	1937	147
Reorganization; adverse vote in one or more areas	1945	416
Tie vote		
Procedure	1945	412
Trustees; effect	1947	298
Time held	1947	303
Unqualified persons, voting by; effect	1945	415
Validation; effective date of bonds	1947	574
Voting machines, use	1945	176
Special registration book, opening; Broward county school bond election	1955	349

Subject	Year	Page
ELECTIONS (cont.)		
Bond elections (cont.)		
Special road districts; one election yearly	1913	202
Special tax school district	1931	928
Voting machines, number required in precinct	1953	113
Wife not eligible to vote	1931	646
Bonding county, election for	1909	40
Book matches; campaign purposes; use not allowed	1949	127
Budget commission; term of office; Pinellas county	1953	98
Campaign advertisement; display of moving picture slides; billboards or electrical signs not authorized	1931	947
Campaign expenses	1919	315
Hillbilly bands, employment; authorized	1951	135
Limitation of	1929	395
	1931	474
		560
Name on ticket	1919	310
Personal services, contribution; legality	1951	132
Prior to qualification	1955	453
Purchases, advertising space; publications other than newspapers; legality	1951	159
Sections 5918 and 5919 R. G. S., interpretation	1927	316
Statements		
Failure to file	1913	235
After-primary statement; effect	1941	85
	1947	98
Name on ballot		
County commissioners to omit; authority	1931	986
General election, may be printed	1927	352
Omission	1931	241
Second campaign	1933	359
Filing	1931	1039
Announcing, when	1927	323
Clerk of circuit court and secretary of state, with	1927	364
County executive committee; statute does not require	1931	559
Delegates to national conventions	1939	114
Fees	1931	493
Legal holidays	1951	145
Party committee members, unopposed	1945	187
Party executive committees	1939	114
	1953	87
Statute does not require	1931	499
Party offices	1953	87
Special primary; committee assessments, etc.	1947	85
Time for	1927	320
	1931	235
	1941	84
	1945	195
	1947	92
	1949	124
	1951	147
		152
Place	1933	356
Unopposed candidate	1945	137
		197
Television time, use authorized	1951	133

Subject	Year	Page
ELECTIONS (cont.)		
Campaign literature		
Billboard advertising, legality	1951	161
Calendar cards; legality	1951	160
Candidate's use of his own funds	1951	153
Certain expense authorized to be paid by county commissioners	1931	660
Complimentary blotters, distribution; legality	1951	161
Independent candidate, write-in votes; requirements	1951	147
Lapel buttons, distribution, legality	1951	159
Campaign pamphlet and portrait; when and where filed	1933	357
Campaign signs within hundred yards of polling places; legality	1957	599
Candidates		
Advertising	1951	154
Application of law	1931	947
Billboard; legality	1951	161
Book matches with cards, passing out; legality	1935	392
Certain cases, without responsibility for	1931	972
Certain methods of; unlawful	1931	926
Announcement		
First statement, after date for filing passed	1915	288
Prior to certain date	1955	453
Appointive offices; qualifying fees, refund	1951	190
Assessments	1921	374
Distribution	1951	188
Fee; 3% of amount of compensation of office levied	1931	975
Ballot		
Deletion of withdrawn candidate's name	1947	81
Discrepancy between absentee ballot and official ballot; effect	1947	106
General election, county commissioners without authority to place name on, unless nominated in primary	1931	1021
Omission of name from, by county commissioners		
Expense statement not filed, if	1931	986
Violation of law, for	1953	88
Beverage license holder; use of own funds	1951	136
Book matches, distribution for campaign purposes; legality	1949	127
Campaign contributions		
Barbecue, fish-fry, etc.; reporting	1951	137
Beverage license holder; use of own funds	1951	136
Deadline for receiving and depositing; primary election	1951	141
Delegates to national conventions, filing of reports	1955	448
Donations (food, sign space, campaign sign, beverages, etc.) reporting	1951	137
Party nominees; executive committees; collection, expenditure	1951	197
Passing the hat; legality	1951	151
Personal services, friends and supporters; legality	1951	132

Subject	Year	Page
ELECTIONS (cont.)		
Candidates (cont.)		
Campaign contributions (cont.)		
President and vice-president, law not applicable	1951	162
Prohibited by law; duty	1951	133
Secondary primary; receiving	1951	144
Sign erected without knowledge of candidate	1951	137
Use for living expenses; prohibited	1951	140
Campaign fund after election, disposition	1951	163
Campaign reports, requirements	1951	142
Campaign treasurer; appointment prior to qualifications	1951	147
Campaign workers	1929	303
Candidates in group nominated without opposition	1915	296
Certificates of nomination		
Secretary of state not authorized to issue	1931	246
Statute, not authorized under	1931	245
Circuit judge		
Proper qualification	1949	137
Special primary	1947	85
Clerk, circuit court		
Expense statement, authorized to accept at any time	1931	499
Filing fee, must issue receipt for	1927	322
Oath and filing fee, duty to receive	1927	319
Clerk of criminal court of record; time for qualifying	1947	91
Committee assessments		
Filing fees	1913	243
Final date for making	1915	279
Salary, when amount indefinite	1915	274
Committeemen; filing expense statements	1945	193
		194
		195
Communist party, method by which barred from ballots	1941	78
Congress; democratic primary; qualification	1927	149
Congressional executive committee; sixth district; election	1943	156
Congressman, sixth district; nomination	1943	156
Considered announced	1913	227
Contributions to other candidates	1935	363
Contributors' signed statements	1951	133
Corrupt practice act, if certain acts in violation of	1931	939
County agriculture teacher, candidacy for public office, salary payment	1955	574
County attorney; filing fee	1947	88
County board of public instruction; filing fees; requirements	1949	127
		330
County commissioners		
City council member, eligibility to serve as	1951	258
Nomination	1947	97
		98
Districts, by, in certain counties	1931	556
Refunds by	1925	331

Subject	Year	Page
ELECTIONS (cont.)		
Candidates (cont.)		
County commissioners (cont.)		
Sheriff, eligibility for office of	1951	152
County executive committee nominees; name on ballot prohibited	1951	196
County judge, qualifying date	1951	128
		129
County officers		
Deadline date for qualifying	1953	119
Qualification fees	1943	155
Determination of amount, additional compensation received	1955	573
Time for qualifying	1945	199
	1947	87
		92
County offices; qualifications	1935	355
Deadline for qualifying	1927	396
County solicitor		
Oath, filing, paying fee	1943	153
Sworn statements, filing	1945	199
County superintendents; eligibility	1947	301
		302
Deadline for filing qualification papers, etc.	1957	756
Death of		
Eve of election, effect of	1917	231
Prior to primary; refund of filing fee	1947	91
Defeated in primary, debarred from having names printed on general election ballots	1927	331
Delegates to national conventions		
See: Political parties, this heading		
Disqualification, grounds for	1931	498
Disqualified candidate not deleted from ballot; effect upon majority vote	1947	96
Donations; (food, sign space, campaign signs, beverages, etc.) reporting	1951	137
Eligibility		
County commissioners, clerk of circuit court without authority to determine	1953	91
District supervisor of registration	1931	652
Names on ballots; space for write-in vote	1949	133
		137
Executive committee		
Nominating candidate for office; authority	1933	361
Qualification of members		
Date for qualification	1949	130
Error in papers; right to amend	1953	91
Unopposed; name on ballot not required	1953	90
Expenditures, limitation of	1931	560
False oath; duty of secretary of state	1957	775
Felony conviction, pending appeal from such conviction; eligibility	1959	510
Filing fees		
Amount	1935	376
Additional compensation received	1955	573

Subject	Year	Page
ELECTIONS (cont.)		
Candidates (cont.)		
Filing fees (cont.)		
Amount (cont.)		
Basis, net amount of compensation		
Tax collector, duty to compute	1939	111
Clerk circuit court to receive, duty of	1927	319
Committee assessments		
Qualification	1949	124
Unused portion, disposition	1915	283
County board of public instruction	1947	89
	1949	127
		330
County officers, county commissioners without authority to designate amount	1927	320
Date of payment	1915	126
Construction of law, in re	1931	493
Twenty days before election	1927	318
Disposition	1951	126
Estimated	1951	125
Fee officers		
Estimated	1951	125
Inactive	1951	125
Judge, civil court of record	1947	90
Justice of peace	1947	90
Legislative candidates	1913	219
	1945	200
	1947	87
	1949	124
		126
		127
Not returnable	1921	384
Party assessments, and; distribution by county clerks	1959	534
Receipt, clerk of circuit court must issue	1927	322
Refund	1929	397
	1943	153
	1947	92
Certain allowed	1929	397
When not authorized	1931	240
Withdrawal	1929	298
	1945	196
	1949	118
		135
Remittance; secretary of state, duty re	1955	723
Republican; disposition by secretary of state	1955	723
Required	1931	493
	1933	356
	1949	124
		127
		330
State representative	1947	86
Sworn statements, construction of statute	1931	488
Tax assessor	1947	89
Unexpired term	1949	126
Amount		
Unused portion, authority to return	1915	298
	1927	393
House of representatives qualifying; group designated	1951	124

Subject	Year	Page
ELECTIONS (cont.)		
Candidates (cont.)		
Independent		
General election, when qualified may run as	1929	367
Name on ballot	1943	139
	1949	141
	1951	173
	1927	333
Prerequisites		
Papers filed by, acceptance of	1957	768
Qualification, etc.	1925	352
Write-in votes; campaign statements, requirements	1951	147
Insanity, subsequent to time of qualifying; effect	1947	84
Judge, civil court of record; filing fee, etc.	1947	90
Judge, court of record; qualification	1947	94
Judge, criminal courts of record		
Oath, filing; fees	1943	153
Sworn statements, filing	1945	199
Jury list, publication of, not in violation corrupt practice act; effect upon	1931	989
Justice of peace		
Filing fee	1947	90
Residence requirements	1951	118
Lapel buttons, distribution; legality	1951	159
Legislative		
Assessments; amount of salary	1949	124
		126
		127
Filing fees	1913	219
	1945	200
	1947	87
Party assessments	1943	140
Qualifying period	1945	197
Majority vote in first primary; requirement	1947	96
Marriage of female nominee; form of name on general election ballot	1947	74
Military force; proxy; required oath	1943	154
Minority parties to write in names on ballot, stickers illegal	1931	1048
Name on ballot	1951	173
County commissioners, duty to place	1931	589
Expense statement not filed, if, not to be printed	1931	241
General election	1943	151
Arrangement	1927	369
Prerequisites	1931	958
Prohibited, when	1931	900
Minority parties, write-in; stickers illegal	1931	1048
Persons eligible	1945	171
Prerequisite for having	1927	325
	1929	407
Primary election	1927	152
Single candidate	1947	93
Rubber stamp, use allowed	1929	306
School district trustees, order of names	1947	295
Unopposed; names not printed	1949	100
		127
		129

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
Candidates (cont.)		
National conventions, delegates to See: Political parties, this heading		
Nomination	1931	659
		1038
Oath		
False statement, duty of secretary of state to certify	1957	775
Length of time to be preserved	1951	120
Loyalty, required	1951	758
Omission	1943	154
Requirements	1933	356
	1951	121
Officeholder; eligibility for another office	1947	119
One only, qualifying, should be declared party nominee	1933	364
Optional with candidate to take space in candidates' publication	1913	214
Party affiliation; effect of failure to declare	1947	102
Party assessments		
Disposition	1943	140
Distribution of	1947	84
Party nominees		
Executive committee contributions	1951	197
Opposed by another party candidate; campaign reports, requirements	1951	142
Personal service of friends and supporters, contribution; legality	1951	132
Petition, by	1921	399
	1923	277
		280
		282
Political		
Advertisements in publications not qualified for legal advertisements	1955	530
Workers, time for filing names	1947	93
Post primary statement, failure to file	1941	85
Postmaster, holding position as	1935	358
Prerequisite	1927	392
Primary elections		
Indicate group, when candidates must	1915	293
Name need not appear on ballot, when	1917	474
Time to qualify	1917	470
Printing names on ballots	1935	338
	1943	152
Private committee campaigning for; authorization required from campaign treasurer	1957	798
Prohibited from giving certain promises	1927	429
Promise to refund to county any part of compensation unlawful	1931	925
Prosecuting attorney		
Eligibility for office of state attorney	1945	134
Qualifying date	1951	128
Purchases, advertising space; publications other than newspapers; legality	1951	159
Qualifications		
Application of law	1931	991

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
Candidates (cont.)		
Qualifications (cont.)		
Certifying names for circuit judges or state attorneys in certain cases	1931	237
Date	1941	84
Indian River county	1955	291
Polk county	1955	288
Deadline date	1953	119
Errors, correction of	1943	155
Fees See: Filing fees under Candidates, this heading		
Papers and fees; deadline for acceptance	1957	756
Period	1947	87
		91
		92
		94
	1953	93
County offices	1917	472
Ending on Sunday; effect	1947	87
Last day	1915	286
	1931	588
Campaign expenses, filing statements for	1931	235
Primary election	1927	319
Place	1947	94
Procedure	1943	153
Requirements	1947	84
		98
Certain inapplicable	1931	944
Time for	1953	93
Receiving plurality vote in first primary, elected	1933	360
Reimbursed for unused portion of his committee assessment allowed	1915	294
Required to indicate group in which his name is to appear	1915	293
Residence requirements	1947	64
Resignation six months before running for another office, required	1939	68
	1941	86
Retired army officer may qualify	1931	935
Right of candidate to withdraw and be reimbursed the amount of his filing fee	1929	298
Rubber stamps, names may be written with	1929	306
St. Lucie county budget commission; method of nomination	1947	106
Salary, legal effect of candidate offering to donate portion of	1915	277
School board member		
Nomination	1947	98
Districts, by, in certain counties	1931	556
Second primary, not required to run in; highest candidate in first primary be declared winner	1929	319
Sheriff		
Qualifications	1947	84
Resignation as county commissioner as prerequisite	1951	152
Signs erected without knowledge of	1951	137
Solicitor of court of record; qualification	1947	94
Special primary, time for qualifying	1951	167

Subject	Year	Page
ELECTIONS (cont.)		
Candidates (cont.)		
Special tax school district trustee must be qualified elector	1931	602
Statement	1933	357
Filing		
Definition as applied to candidates	1915	291
Not waivable by agreement	1915	289
Filing fee		
Filing as provided by law	1927	318
Terms	1945	198
Suits against county canvassing board; attorney's fees	1947	108
Supervisor of registration, prerequisite for becoming candidate for other office	1927	397
Supreme court justice; special primary	1947	85
Sworn statements, date for filing	1951	186
Tie votes, neither elected	1931	597
Trustees, withdrawal as; allowed within certain period	1949	103
United States president and vice-president		
Contribution, expenses, etc.; not applicable to	1951	162
Name on ballots; requirements	1951	186
Political advertisement; donations by nonprofit corporations; acceptance by newspapers	1951	208
Split votes; effect	1951	164
Unopposed candidate; necessity of filing expense statements	1945	187
		197
Unused portion of filing fees, authority to return	1927	393
Use of own funds, reporting same	1951	153
Use of title "Dr." on ballot	1951	123
Vacancy in county office		
Method of nomination	1945	177
		180
Nomination by executive committee	1945	180
Term, filing fee	1945	198
Vacancy in nomination		
Method of filling	1947	95
		108
		109
Subsequent procedure	1947	96
Violating primary law, effect	1927	436
Vote; county, error in; corrective procedure	1947	107
Voter required to place "X" before name written in ballot	1939	107
Votes for same person for different offices; duty of election board	1947	75
Watchers at polls, not allowed	1927	352
Withdrawal		
Deletion of name from ballot	1947	81
Recovering qualifying fee	1945	196
Refund of filing fee; legality	1947	92
	1949	118
Write-in		
Primary election, not permitted	1951	165
Qualifications	1953	82
Voting for	1949	133
Canvassing board		
Absentee ballots, earliest legal time for canvassing	1951	177
Compensation	1947	75

Subject	Year	Page
ELECTIONS (cont.)		
Canvassing board (cont.)		
County commissioners not prohibited by law from allowing compensation for	1927	423
County election boards; Hillsborough	1949	88
		97
Hospital bond; court decision required; status and validity of election	1949	106
		150
		151
New primary law, procedure under	1929	328
Reconvening to correct error in vote count	1947	107
Statutes applicable	1949	97
Write-in votes; general election ballot	1949	107
		108
Certificates of nomination		
Not authorized under statute	1931	245
Party candidate selected by county committee	1955	731
Certificates of registration		
Absent electors' ballots, effect of challenge on	1927	406
Cost, liability of state	1947	70
Persons registering, entitled to	1927	406
Special; issuance of to illiterates; construction of law re	1959	269
Certified list; persons eligible	1949	148
		149
Certifying names of candidates to county commissioners	1919	154
Challenges	1921	368
	1929	365
	1947	52
Right to vote		
Change of residence; vacancy in office	1905	145
Chief deputy; Escambia county	1949	119
Circuit judges; special primary; candidates' qualifications	1949	144
City charter, for surrendering	1913	251
Civil rights; felony conviction appealed to higher court; effect on right to vote	1957	521
Clerks and inspectors		
Additional inspectors	1927	326
	1935	364
	1949	103
Appointment		
Committeewoman appointed to serve as election inspector; eligibility	1955	194
Compensation	1933	351
Continuing duty of inspectors to make proper returns	1913	234
County commissioners		
Appointment of	1931	639
When warranted in paying fees	1929	302
Duties and powers	1927	391
First and second primary, authorized to serve in	1931	1003
Legality of election where one inspector not qualified to vote	1913	200
Member of any political party may serve as inspector	1913	230
Names of, published or posted	1927	351
Number for each polling place	1947	73
Qualifications; school district election	1955	337
School bond elections; absent electors ineligible; requirements	1949	152

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
Clerks and inspectors (cont.)		
School district election	1949	102
Selection; method and time	1915	278
	1931	499
Serve in second primary	1929	298
Clerks, circuit courts; duties as to placing candidates' names on ballots	1947	301 302
Commissioners Lake Worth inlet district, application of law re	1931	1059
Committee officers; county-wide vote	1949	100
Conducting regular constitutional, special, referendum and school election in conjunction with emergency constitutional referendum, 11-3-'59	1959	230
Congressman, sixth district; nomination	1943	156
Consolidation special tax school district, construction of law re	1931	542
Constables		
Abolishment of office, DeSoto county	1945	144
County-wide vote	1949	100
Nomination	1947	98
Construction of law	1923	277
Containers, locking or sealing	1951	203
Contest	1931	664
Illegal contribution, grounds for	1951	133
Contributions See: Campaign contributions under Candidates, this heading		
Conviction of felony; bar to registration	1947	52
County agriculture teacher, candidacy for public office, salary, payment	1955	574
County attorneys; filing fees	1947	88
County commissioners		
Ballot boxes, preparation	1937	135
Certain duties	1927	333
Election board; powers transferred to	1949	88
Election districts		
Reduction; effect on party committees	1945	163
Voting places; election board; powers transferred	1949	88
Election inspection boards appointed by	1949	104
Fraudulent registration; illegal voting; appropriation	1951	199
General election ballots	1943	149
Failure to provide nominee; effect	1951	163
Names printed on; eligibility	1927	296
Hillsborough county; powers transferred to election board	1949	88
Nomination	1947	97 98 100 129 462
Districts, by	1917	
Voted for by county at large	1913	203
Election; certain counties	1939	39
Office not in election call; authority to place on ballot	1917	226
Petition for referendum	1943	179
Polling places; sub-station illegal	1949	104
Powers and duties	1941	85

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
County commissioners (cont.)		
Primary election		
Certain expenses	1931	650
Section 244, R. G. S., should be followed	1927	399
Redistricting county	1943	159
Refusing to have names of candidates printed on ballot	1919	134
Registration books		
Duties	1925	362
Examination; closing time	1949	134
Seminole county	1943	149
Supervisors of registration; employees; compensation	1947	161
Term of office	1945	178 245
County fire control units; referendum	1945	232
County hospital, certification of electors	1941	149
County judges		
Compensation for services	1941	78
Fees in connection with absentee voting	1947	82
County officers		
Candidates; deadline date for qualifying	1953	119
Qualification after election	1937	144
Qualifying dates	1959	488
County seat, election to change; purchase of advertising by private individuals; legality	1959	151
County superintendent		
Eligibility	1947	301 302
Retired teacher, eligibility	1945	429
Deadline for filing candidates' qualification papers	1957	756
Death of elected officer before assuming office	1905	146
Delegates to national conventions		
See: Political parties, this heading		
Democratic legislative caucus, entertainment laws not applicable	1951	145
Democratic party		
Members	1931	653
Negro, right to register as member	1923	226 348 418 910 942 965
	1927	
	1931	
	1933	357
	1945	189
	1947	52
White democratic electors only allowed to participate	1931	655
Deputy sheriff, service at election precincts; compensation	1957	556
Dishonorable discharge from armed forces; effect upon civil rights	1947	69
Distribution of political party assessments paid by circuit judge	1947	84
Domicile requirements to vote	1933	343
Drainage district bond election; time for registration	1947	117
East Volusia county anti-mosquito district		
Commissioners, election of	1949	416 418
Freeholders qualified to vote	1949	416 418

Subject	Year	Page	Subject	Year	Page
ELECTIONS (cont.)			ELECTIONS (cont.)		
Elected officer, death of, day before assuming duties; status of office	1905	146	Electors (cont.)		
Election boards			Absent electors (cont.)		
Creation; constitutionality	1943	136	Ballots (cont.)		
Inspectors, special deputy sheriff; loyalty oath	1949	122 593	Supervisors of registration		
Poll lists, ballots, oaths, etc.; disposition	1947	94	Mileage allowance; delivery to precincts	1949	115
Statutes applicable	1949	97	Preservation of ballots	1949	122 139
Election day			Time for mailing	1951	203
Sheriff, duties of	1931	642	Voting before deputy clerk	1945	131
Election districts			Challenge, interpretation	1927	406
Changes in boundary; democratic committee district	1949	87 95 125	Chapter 16986 valid law	1937	134
Establishment of	1909	75	Clerk, may act for county judge	1927	363
Electors			County judge		
Absent electors			Compensation for taking oath, not authorized	1931	584
Ballots	1927	364	Eligibility to vote; soldiers absent from state	1917	158
Applications			Registration		
Deadline for	1953	106	Military personnel; reserve personnel	1949	130
Requirements	1949	115	Outside of state, unlawful	1937	133 134
Returning; requirement	1951	203	Personal application; requirements; St. Lucie county	1949	90
Signature requirements	1951	176	Primary election	1935	370
Supervisors of registration; sick and disabled persons	1949	114	Status on election day, establishment	1957	603
Armed forces; military personnel; employee of government	1949	112 113 115	Voting	1933	351 82
Canvass, earliest legal time	1951	177	Absent from county under six months, qualified elector may cast vote	1933	351
Cast in second primary	1931	581	Application blanks; delivery	1949	116
Construction of law	1931	582	Deputy supervisors of registration; powers re	1949	117
Deputy supervisor			Elector, when may vote in any other county	1939	100
Authority re	1949	117	Interpretation	1927	434
Branch office, issuance by	1955	275	Method of	1923	258 580
Discrepancy between absentee ballot and official ballot; effect	1947	106	Military force, registration; war ballots	1943	138
Disposition of absentee ballots	1949	115	Place of	1947	82 113
Distribution; requirements	1951	178	Presence of deputy clerk	1945	131
Elector's certificate; deputy supervisor as attesting witness, authorized	1953	111	School bond elections	1949	112
Electors residing outside United States; mailing ballots	1949	112 113 115	Second primary; time	1947	81
Execution; seal; witnesses not furnished by supervisor	1949	115 116	Servicemen		
Foreign born woman married to an American	1935	351	Registration	1949	113
Mailed to electors residing outside state, legality	1949	112	War ballots	1943	138
Method of casting	1931	580	Wives of, registration requirements	1951	100
Preservation of uncounted ballots	1951	178	Special referendum; Volusia county	1949	112
Primary election	1935	357	Time for	1941	88
Requirements	1951	203	Affidavit required	1923	273
Second primary, casting of	1949	116	Age requirements	1947	52 96
	1931	581	Assistance to, in marking ballots	1929	369
			Ballot not allowed to be taken to bedside	1931	662
			Biennial school district; qualification requirements	1949	313
			Blank space, may write names	1923	286
			Ceded territory, registering; voting validity in	1943	145
			Certificates; deputy supervisor as attesting witness; authorized	1953	111

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
Electors (cont.)		
Citizens, when become	1925	326
Civil rights		
Restoration	1943	505
		506
	1951	94
Pardon board, by	1951	101
Constructive residence; establish-		
ment of domicile; voting		
purposes	1955	275
Discrepancy between absentee		
ballot and official ballot; ef-	1947	106
fect		
Disqualified		
Effect of honorable military	1945	167
discharge	1927	319
When	1929	367
	1931	645
		829
Domicile of elector; eligibility		
to vote; legal residence	1949	89
		91
		92
		94
Eligibility	1927	421
	1931	527
Felon		
Convicted in foreign state, ef-		
fect; eligibility	1953	71
Conviction, pending appeal		
from such conviction;		
eligibility	1959	510
Disqualification as elector	1931	998
	1945	162
	1951	94
		203
Petit larceny; loss of right to		
vote	1953	72
Female electors need not give		
exact age when registering for		
general elections	1919	160
Freeholders		
Bond elections		
Duty of supervisor with		
respect to	1953	100
Registration		
Disqualified after books	1949	148
close		149
Requirements	1949	152
Reregistration prior to elec-		
tion	1955	727
Status in	1953	101
Certified list		
Eligibility to vote	1949	148
Supervisor of registration,		
duties	1949	204
Change in registration; duties		
of registration officer	1947	114
Definition	1927	433
	1929	364
	1931	731
		800
	1953	96
District; defined	1953	104
East Volusia county anti-		
mosquito district, com-		
missioners of	1949	416
		418
Electrical equipment; sale		
valid, municipalities	1949	206

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
Electors (cont.)		
Freeholders (cont.)		
Eligibility to vote, Broward		
county	1949	148
		149
Evidence	1947	114
Homestead owners, eligibil-		
ity	1949	310
Husband and wife	1921	297
Information by mail; certi-		
fied list qualified to vote	1949	147
List, purging of, by commis-		
sioners; authority	1957	136
Millage to be reduced by		
vote of	1931	643
Municipalities; electors; quali-		
fications; Lynn Haven	1949	203
Permanent registration sys-		
tem; status, notice	1951	203
Power of legislature to define,		
to exclude therefrom home-		
stead owners who pay no		
tax	1959	159
Qualifications to participate		
in school district bond elec-		
tion	1957	844
Registration		
Books closed, prohibited		
when	1957	603
Monroe county	1949	152
Reregistration	1955	922
Voting status	1939	102
General election		
Registration books, names,		
transfer to	1945	191
When qualified to vote	1925	354
Government reservation, resid-		
ing on; eligibility	1951	100
Government service in Washing-		
ton	1933	350
Governmental employees; trans-		
fer to permanent list	1949	136
Homestead tax exemption in lo-		
cation different from voting		
residence; qualification as	1957	636
Hospital bond election; qualifi-		
cations	1947	111
Identification	1929	365
Illiterates; eligibility	1939	103
	1947	52
Independent, registration; eligi-		
bility	1951	117
Inspectors authorized to assist		
in marking ballots	1931	528
		979
Invalids, registration	1951	103
Liberty county; registration for		
special primary	1947	71
List of		
Publication	1925	367
	1931	665
		666
	1935	348
		349
Approval, payment	1943	136
Fee for	1931	1051
Required before general		
election	1927	419
		420
Local option elections; registra-		
tion	1947	502
Long Key sewer district, bond		
election; qualification	1955	74

Subject	Year	Page
ELECTIONS (cont.)		
Electors (cont.)		
Marriage to foreign subject does not disqualify	1931	976
Married women registered under maiden name before marriage	1935	351
Method of qualification	1931	661
Morally bound to support nominee of party	1931	986
Municipal library election; number of electors necessary to participate under §167.29	1957	858
Municipal organization; proxy and absentee voting	1947	171
Name on ticket, may write	1925	368
Naturalization papers, exhibition of	1915	272
Oaths		
Eligibility	1935	357
Penalty for false oath; primary election	1933	358
Requirements	1904	63
	1951	97
		722
Outside United States of America; absentee ballots mailed to	1949	112
		113
		115
Party affiliation		
Changes; challenged elector; election board duties	1949	138
		145
Declaration of	1927	404
Personal presence of registrant; necessity	1947	61
Petition to place name on ballot; effect	1945	171
Physically handicapped or illiterate; assistance	1951	147
	1953	65
Place of residence	1923	253
Place "X" before name of candidate written on ballot; required	1939	107
Poll lists; Bay county	1947	76
Poll tax See: Poll tax, this heading		
Polling places, race segregation	1951	180
Precinct transfers; books, closing time	1951	108
Publication of list; requirement	1931	1033
Qualifications	1921	368
	1927	398
	1947	52
		53
		54
		62
		293
		294
Becoming twenty-one while in military service; effect	1945	164
Citizenship; presenting proof; sufficiency	1945	160
City election	1925	387
Conviction of felony while minor; continuing disqualification	1945	162
Government reservation, residing on	1951	100
Illiterate persons	1945	187
Method	1931	661
Military force	1943	144
Naturalized citizens; residence requirements	1945	166

Subject	Year	Page
ELECTIONS (cont.)		
Electors (cont.)		
Qualifications (cont.)		
Oath; penalty for false oath	1933	358
Primary elections	1904	62
Residence requirements	1945	187
	1953	69
Restoration of civil rights	1945	167
Revocation of resignations	1943	93
School district elections; affidavits	1951	405
Service abroad as part of residence	1943	141
Special election	1909	68
Requirement at	1905	163
University student; residence requirements	1945	168
Unregistered veteran	1945	176
Registration	1927	412
	1935	345
Affidavit	1925	355
Before tax collectors	1927	185
Change of party affiliation	1945	181
Eligibility	1945	187
Freeholders; eligible freeholder electors	1955	116
Government service in Washington, D. C.	1933	350
List, biennial correction, inquiry forms	1953	75
Outside of state, prohibited	1937	133
		134
Poll taxes, soldiers and sailors	1935	360
Prerequisites	1925	358
Requirements	1904	62
		63
		64
	1925	363
Residence		
County and precinct	1935	361
Government workers	1935	342
Place of	1925	313
		314
	1947	56
	1949	95
		96
Time	1927	436
	1947	60
Transfer certificates, issuance	1931	656
Transferable, when	1925	326
Reinstatement of previously registered electors when books are closed; prohibited	1957	836
Removes from one district to another within county; requirements	1904	63
Reregistration		
Federal government, when employed by	1939	101
General election, not necessary prior	1904	63
Relocation of districts; requirements	1951	114
Transfer of electors	1943	147
When necessary	1931	646
Residence requirements	1935	361
	1947	62
	1949	89
		91
		92
		93
		94

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
Electors (cont.)		
Residence requirements (cont)		95
	1951	96
	1953	69
Government reservation, re- siding on	1951	100
Supervisor of registration; duties	1949	95
		96
Right of person to vote in district other than where he resides	1929	397
School districts		
Ballot, notice, results	1943	264
Qualifications	1941	292
	1945	166
		412
	1947	293
		294
	1951	400
		403
		405
Registration	1947	114
	1949	146
Special tax district, eligibility to vote in	1937	148
Special tax election	1933	409
Qualification defined	1931	544
Trustees; procedure	1943	259
		264
Unqualified; effect in elec- tion	1945	415
Second choice vote, not com- pelled to cast	1927	379
Second primary; time	1947	81
Secretary of state, candidates qualifying with	1943	153
		155
Serviceman; motor vehicle li- cense tag requirement	1951	470
Sheriffs; deputies	1943	137
Signing name required for pri- mary election only	1937	141
Special election	1933	365
Petition for, verification of signatures	1957	50
Qualifications	1905	163
		191
Special primary; filling vacancy	1943	159
Successor to deceased sheriff	1943	141
Supervisors of registration		
Official seal; certificates	1943	148
Publish certified list, re- quired to	1931	1045
Suspension of sentence does not remove disqualification	1931	646
Suwannee county; military force; reregistration	1943	146
Tickets distributed to; drawing; whether violative of lottery law	1951	180
Transfer certificates, entitled to be furnished	1925	356
Twenty-one after registration period; eligibility	1947	52
University of Florida students, eligibility to vote	1933	348
Vacancy in nominations	1943	158
Vote ballot of party under which he registered	1915	292
		294
Voting machines		
Custodians	1943	152
Write-in votes; preparation	1943	147

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
Electors (cont.)		
Women, not qualified as	1905	195
Executive committee		
Additional members		
Certain precincts, effect of 1955 law	1955	318
Method of providing for	1957	599
Ballots; names not printed on	1949	100
		127
		129
Bond requirements for chairman, treasurer of political party executive committees	1957	569
Campaign contribution and ex- penditure reports, filing	1953	87
Candidate		
Assessments, distribution	1951	188
Error in qualifying; right to amend papers	1953	91
Receiving plurality in first primary, elected	1933	360
Certificate of nomination to party candidate selected by committee; issuance	1955	731
Certificates of election for mem- bers	1929	368
Chairman, treasurer; bond re- quirements	1957	569
Congressional executive com- mittee		
Funds, disposition	1951	187
Membership; county retire- ment benefit not affected by	1949	193
Sixth district	1943	156
Contributions to, limitation	1953	83
County executive committee		
Act governing, construed	1931	1065
Additional committee men and women in certain pre- cincts; unauthorized	1959	460
Additional members in cer- tain precincts, effect of 1955 law; method of se- lection	1955	318
		511
Assessments; legislative sal- aries; qualifying fees	1949	124
		126
Calling special primary, date; procedure	1945	179
		183
Candidates; party assessments; disposition by secretary of state	1949	132
Certificate; clerk of circuit court; elections; appoint- ments	1949	140
Chairman, assistant state at- torney as	1949	33
District changes; effect	1951	189
		194
Elections; qualification dead- line; Brevard county	1949	130
Expense statements not requir- ed to be filed	1931	559
Filing fee assessments; fixing; name on ballot	1949	127
Filling of vacancy	1943	159
Loyalty oath, requirement	1951	194
Member		
Moves from precinct, va- cancy created	1949	132

Subject	Year	Page
ELECTIONS (cont.)		
Executive committee (cont.)		
County executive committee (cont.)		
Member (cont.)		
Registration qualification	1949	142
Vacancy; military service; proxy	1949	144
Without authority to elect; first primary; Franklin county	1949	137
Nominee		
Name on ballot prohibited	1951	196
Party contributions to; collections, expenditures	1951	197
Selection	1943	157
	1945	177
Precinct member; residence requirements; vacancy; method of filling	1949	132
Recommendation by, for appointment of officer to fill unexpired term of incumbent	1933	345
State representative, vacancy; special primary	1949	136
		137
		141
		144
Vacancy		
Filling	1951	185
		187
		194
Quorum of members	1951	193
Member moving from precinct	1947	83
Duties	1949	136
		137
		141
Expense statements, candidates not required to file	1931	499
Filing fees, remittance; secretary of state, duty re	1955	723
Funds		
Accounting of	1957	155
Expenditure on behalf of party candidates	1953	83
Loyalty oaths	1949	144
		595
Meeting; vacancy, filling of	1953	115
Members		
Clerks circuit courts; duties	1949	140
Eligibility; elections; write-in votes	1949	133
Loyalty oath required of; candidate for	1949	595
National conventions, delegates to See: Political parties, this heading		
Party assessments, congressmen-at-large	1941	83
Party members, candidate; name on ballot	1949	133
Permissive contributions to party candidates	1953	83
Place office of tax commission on ballot, authority to	1917	246
Plurality sufficient, construction of law re	1929	319
Precinct in which elected, status of member who moves from, to another county	1933	348
Primary law; provisions of, construed	1929	368
Proxies, in re	1931	949
Receipts and expenditures, accounting for	1957	155

Subject	Year	Page
ELECTIONS (cont.)		
Executive committee (cont.)		
Reports, period before filing first	1957	155
Special primary elections	1949	144
State and county; duties, in re; organizing	1931	1006
State executive committee		
Party nominees, contributions to; collections, expenditures	1951	197
Presidential electors; nomination	1943	157
Selection of party officers, delegates and committee-men	1931	912
State-method of filling vacancy	1931	223
Tax collector; vacancy; Orange county	1949	136
		137
		141
Term of office	1953	116
Unopposed candidate		
Expense statement	1949	123
Name on ballot not required	1953	90
Vacancy, filling	1947	82
	1951	185
	1957	155
Expense statements See: Candidates, this heading		
Expenses		
Bond elections	1917	409
County commissioners, payment by	1931	660
	1941	133
	1945	192
Primary elections; liability		
Transferring names from primary to general election books, how paid when incurred	1927	418
Felon		
Convicted in foreign state; civil right of suffrage	1953	71
Disqualification as elector	1931	998
	1945	162
	1951	94
		203
Petit larceny; loss of right to vote	1953	72
Filing fees See: Filing fees under Candidates, this heading		
Fire control		
Special election not authorized for referendum on county-wide	1939	116
Units to be voted in county	1937	136
Fort Pierce beach erosion district; primary election, nomination of supervisors; effect	1951	183
Free public library; Putnam county	1941	147
Freeholders See: Electors, this heading		
General election		
Ballots		
Arrangement of names on	1927	369
		421
Candidate defeated in primary prohibited from having name printed on	1927	331
Method of marking	1927	370
Construction of law as to registration	1927	416
Corrupt practice act does not apply	1927	437
County commissioners		
Disregard certain precincts, without authority	1927	369

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
General election (cont.)		
County commissioners (cont.)		
Print certain names on ballot, without authority	1925	378
Expense, transferring names from primary book, payment	1927	418
Names of electors must be transferred from primary books	1927	355
Nominee not required to pay any fee	1931	1043
Party affiliations	1927	428
Pasting gum strips applies only to registration for	1937	141
Prerequisite to vote	1927	329
Publication of list of qualified electors; divided between two papers, allowed	1933	348
Qualified electors	1925	354
Registration		
Construction of law	1927	416
Poll taxes, payment	1927	417
Registration books		
Closing date	1913	257
	1945	169
Preparation	1945	191
Primary election, separate registration from	1913	196
Separate, required	1927	354
		416
Use of	1927	410
Sheriffs, payment from county treasury	1939	108
Special deputy sheriffs, appointment of; compensation	1935	339
Teachers' tenure act, submission to electors	1945	175
Use of stickers containing name of candidate prohibited on ballot	1927	420
Voter morally bound to support party nominee	1931	986
Government reservation; persons residing on	1951	100
Governmental employees; political activities prohibited	1949	119
		590
Gulf Beach service district; voting machines	1949	109
Gum stickers or rubber stamps should not be used	1931	729
Highways; posters	1935	392
Holidays; Baldwin, town of	1951	185
Homestead exemption; no requirement for registration	1949	284
Homestead owners eligible; freeholder status	1949	310
Hospital bond		
Certified list; majority of freeholders required	1949	151
Registration, qualifications of electors, etc.	1947	111
Validity; status; freeholders	1949	151
Houseboat occupants; proper precinct in which to register	1947	286
Illiterates; eligibility for registration; procedure	1947	52
Independent candidate; name on ballot	1949	141
Initiative and referendum	1931	732
Inspectors and clerks See: Clerks and inspectors, this heading		
Invalids, registration; taking of registration book to bedside; authority	1951	103

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
Justice of peace		
Elected also judge of small claims court, constitutionality	1953	123
Filing fees	1947	90
Unexpired term; vacancy, filling	1953	35
Juvenile judge; utility board members; candidates; qualification required	1949	133
Law construed	1923	229
	1927	333
	1931	992
Legislative salary; qualifying fee; party assessments	1949	124
		126
Legislature; filling vacancies for extraordinary session	1943	142
Lists		
Bay county	1947	76
Disposition by election board	1947	94
Erroneous removal; restoration	1949	93
		94
Names removed and restored to	1949	93
		99
Organization of municipal corporation; supervisor, duties re	1949	93
		99
		204
Publication prior to primary election, not necessary	1917	470
		473
Livestock fencing by owners; Nassau county	1949	507
Local laws, effect of new code	1951	203
Local option		
Alcoholic beverages, in re sale of	1905	153
		170
	1943	448
Application		
General	1933	374
Sufficiency of signatures	1947	504
	1949	500
Area to which applicable	1947	622
Ballot boxes, use	1951	630
Ballot, form	1945	639
	1947	507
	1949	499
	1959	108
Section 567.06, F. S., 1941 applicable	1949	499
Bay county, wet and dry election in; November general election	1933	369
Constitutionality	1943	448
County commissioners, duties re	1955	885
Electors, payment of poll tax	1935	389
General election, authorized to be held at	1933	372
Held at same time proposed amendment is voted on	1933	376
Last day for holding	1959	572
Method of calling, application of constitutional amendment in re	1933	369
Notice		
Form; calling of election concerning sale of alcoholic beverages in Florida	1933	375
Publication required	1937	151

Subject	Year	Page	Subject	Year	Page
ELECTIONS (cont.)			ELECTIONS (cont.)		
Local option (cont.)			Minority parties (cont.)		
Opening books	1947	503	Selection of delegates; state executive committee	1947	99
Orange county	1949	499			100
Petition for election			Mosquito control referendum on same date as general election; procedure	1947	75
Names, number required; expense	1949	499	Municipal elective officers, qualification requirements	1959	768
		500	Municipal library election; number of electors necessary to participate under \$167.29	1957	858
Signatures, withdrawal from	1907	129	Municipalities		
	1947	504	Alderman, who may run for	1925	386
Supervisor of registration, duties	1949	500	Amendatory statutes	1935	697
		501	Bond elections; registration books	1949	87
Poll tax, payment prerequisite to voting	1933	326			149
Prerequisite for calling	1933	370	Candidates' qualifications	1949	205
Proposed amendment to article 19; alcoholic beverages, in re sale of	1933	372	Charter or amendments, publication prior to election, notice requirement	1955	315
Race track elections; closing date for registration and payment of poll taxes	1933	370	District boundaries	1949	85
Registration books					86
Furnished to inspectors by supervisor	1933	326			87
Hardee county; opening of	1949	99	Electors, qualification of	1925	387
Opening	1905	190	Freeholder status; Lynn Haven, city of	1949	203
		193	General	1907	175
	1913	267	Holding books open for registration in	1933	349
	1935	389	Officers and employees; political activities	1949	119
	1947	503	Organization, procedure for	1947	171
	1949	499	Reregistration; exemption of those in military service	1945	164
Registration of electors; time	1947	57	Residence, laws controlling	1941	82
		69	St. Petersburg Beach; permanent registration mandatory	1949	84
		502	Signature identification slips, inspection by county solicitor	1951	182
		503	Special election		
		506	Calling; zoning certain areas; authority	1951	628
1949	499		Polling places; use of same room	1951	181
Returns to be canvassed by canvassing board	1937	151	Voting machines required	1949	109
Rewards in cases of detected violation	1907	101	Nassau county		
Signatures			Qualifications and requirements	1949	150
Identifying electors	1949	500	Supervisor of registration; duties	1949	85
Supervisors of registration; duties	1949	99	National conventions, delegates to		
		500	See: Political parties, this heading		
		501	Naturalized persons		
Time for holding	1935	305	Holding public office, voting	1935	393
	1945	639	Registration in county and precinct of residence	1935	362
Marriage of female nominee; form of name on general election ballot	1947	74	Negro		
Military service			Primary elections		
Absentee voting; war ballots	1943	138	Registration and voting; eligibility	1923	226
County executive committee, membership vacancy	1949	144		1927	348
Registration					418
Power of attorney	1943	145		1931	910
Right to vote in national elections	1951	98			942
Reregistration					965
Exemption	1945	161		1933	357
		164		1945	189
		168		1947	52
Suwannee county	1943	146		1945	170
Millage not determined	1931	612	New districts; creation		
Minority parties			Newspapers, political advertisements in publications not qualified for legal advertisements	1955	530
Definition	1947	99	Nicknames, use of, on ballots; authorized	1951	123
		100			
Names of candidates must be written on ballot; stickers illegal	1931	1048			
Presidential electors; nomination	1947	101			

Subject	Year	Page
ELECTIONS (cont.)		
Nominees		
Certificate, names may be embraced in one	1927	158
One party candidate qualifying, declared	1933	364
Oaths		
Candidates; requirements	1951	121
Length of time to be preserved	1951	120
Loyalty; candidates, requirements	1951	758
Registration, required for	1927	401
Office, when deemed vacant	1917	168
Officeholder; candidacy for another office	1947	119
Officials, conduct of, in holding	1929	395
Party affiliation	1929	367
Changing	1931	654
	1933	356
Method	1927	409
		414
	1931	666
		880
Requirements	1931	687
Elector should declare	1927	418
Primary elections	1927	428
Registration must show	1927	404
Statutory provision	1931	659
Party assessments		
Candidates		
General	1949	124
		127
		129
		330
	1943	140
State legislature		
Democratic executive committee, declared by	1941	83
Disposition by secretary of state	1941	84
	1943	140
	1947	84
Distribution		
Peoples' progressive party; applicants' right to register	1947	55
Permanent registration		
Bradford county, electors; registration; reregistration	1949	82
Dade county, election code, effect	1951	199
Federal employees; list; voters; transfers	1949	136
Freeholder status, notice	1951	203
Local acts, conflicting; effect	1951	105
Mailing notices; supervisors' duties	1949	83
Primary elections; data prepared by secretary of state	1949	121
Registered freeholders as part of	1955	922
Registration books		
Closing time; general and municipal elections	1949	83
Time for opening; periods in hands district officers	1949	98
Reinstatement of previously registered electors when books are closed; prohibited	1957	836
Reregistration; relocation of districts; requirements	1951	114
Seminole county, election districts	1949	86
Person elected to two offices; constitutionality	1953	123
Personal services, friends and supporters; defined	1951	132
Petition for referendum	1943	179

Subject	Year	Page
ELECTIONS (cont.)		
Physically infirm See: Electors, this heading		
Pinellas county; registration; certified list eligible	1949	149
Political advertisements		
Campaign literature	1949	589
Clerks, circuit court; no duty	1949	589
Donations by nonprofit corporations; acceptance by newspapers	1951	208
Literature and advertisements, construction of law re	1931	609
Publications not qualified for legal advertisements	1955	530
Political parties		
Additional precinct committee men and women in certain precincts; unauthorized	1959	460
Candidates for committee; filing expense statements	1945	187
		193
		194
		195
Changes; registration records	1949	100
		129
		145
Committeemen and women; elections; nomination	1949	133
Definition of	1931	975
Delegates to national conventions	1951	127
Campaign expense statements, filing	1939	114
	1953	87
	1955	448
Deadline for qualifying	1951	127
Qualification	1933	367
Requirements	1953	114
Selection	1927	152
Minority political party; statutory provisions	1947	99
		100
Primary election method	1939	111
		112
Sixth district	1943	156
Democratic; right of negro to register as member	1945	189
Filing fees and party assessments; distribution by county clerks	1959	534
Members; qualification to register	1943	145
Nominees of, not within purview of law	1931	246
Precinct committeeman; utility board member; dual offices; no prohibition	1949	89
Primaries; candidates nominated by	1915	268
Qualification of members	1943	145
Registration for primary; necessity of stating party affiliation	1945	192
Political workers, construction of law as to	1929	303
Polk county; registration and reregistration	1945	186
Poll tax		
Age	1927	400
Assessable, when	1927	411
Assessment	1907	108
	1921	117
Bond election, necessary to pay to be eligible to vote	1927	310
Collection; property tax, as part of	1929	378

Subject	Year	Page
ELECTIONS (cont.)		
Poll tax (cont.)		
Construction of law	1931	650
Effort to violate law	1909	85
Electors	1935	359
Over 55 years of age, when necessary to be paid by	1927	432
Paying in one county and voting in another	1909	84
Exemptions	1923	299
	1927	398
		427
		453
	1931	495
		709
		948
	1933	356
	1935	370
	1937	145
Disabled veterans	1927	400
	1929	180
Loss of limb	1935	362
World war	1929	366
National guard members	1923	76
	1927	398
Officers and enlisted men	1931	1043
Ex-service men not exempt	1919	298
General election	1931	664
Liability; determination	1927	411
Municipal elections	1931	621
Municipalities not authorized to impose as prerequisite to vote	1939	501
Over age	1921	372
Payment	1925	375
	1927	402
	1917	472
	1927	226
		413
		417
	1931	648
		697
	1933	356
	1935	337
Deadline		345
		385
Primary election, qualification for	1927	226
Qualification as elector	1915	244
	1917	466
Eligibility to vote	1931	765
Exemptions		
Certificates of, issuance	1935	372
Husband for wife; authority	1929	381
In one county and may vote in another	1909	84
Legislature only can suspend	1931	980
Method	1931	710
Legislature only authorized to change law	1931	983
Other than elector		
Authorized	1915	233
Not authorized, when	1927	437
Prerequisite to vote	1931	1003
Special tax school district	1937	149
	1939	205
Publication of list of electors	1931	664
Requirements	1925	376
Tax roll not complete, though	1919	308
Time for	1917	472
	1919	153
		309
	1921	313
		376
		381

Subject	Year	Page
ELECTIONS (cont.)		
Poll tax (cont.)		
Payment (cont.)		
Time for (cont.)	1923	118
		223
		239
	1925	360
	1927	402
	1931	665
	1935	374
Two years, when necessary to vote	1931	710
Waived by county democratic executive committee; prohibited	1935	375
Women, as feme covert	1927	402
Person, liable for	1927	400
	1931	655
Primary elections		
Payment not required for	1937	145
Registration books; help; compensation, etc., construction of statute, in re	1931	650
Receipts		
Application and construction of law	1931	658
		661
Two, when necessary	1931	661
Registration		
Legality of payment	1927	324
Payment not prerequisite to	1913	86
		197
		225
	1915	275
Persons may register when paying	1923	255
		260
	1927	436
Receipt number, entry of	1915	122
Recently naturalized person	1927	399
Residence in state year prior to election; payment	1935	337
Tax collector may register		
persons paying	1927	324
Requirements	1925	375
	1927	402
Right to pay	1923	223
Special elections	1933	365
Status, new resident	1923	285
Tax assessor to continue to levy	1937	590
Tax collector		
Deputy tax collector		
Appointment to collect not authorized by law	1931	711
Receipt of payment authorized	1929	291
	1925	347
Duties		
Lists of persons who have paid, required to make	1925	369
Receipt of payment		
Issuance of receipts, law construed as to	1929	377
Person other than person assessed, from; authority	1929	379
Under chapter 18061, not required	1937	145
Voting		
Failure to pay; application of election law re	1931	969
Payment not prerequisite to	1937	136
	1939	102
Women	1921	278
		290
World war veterans, when exempt	1931	660

Subject	Year	Page
ELECTIONS (cont.)		
Portrait and campaign pamphlet of candidate for office	1933	357
Precincts		
Ballot boxes, number of; racial segregation	1947	72
Boundary changes	1955	385
County executive committees; effect	1949	125
	1951	189
Elections; amended chapter 98, applicable	1949	95
Boundary lines; municipalities; requirements	1949	85
		86
Candidate not allowed to have watchers	1927	352
Certificate of transfer should be obtained if party removes	1927	405
Circulars and posters, distribution of	1927	371
Clerks and inspectors, number of	1947	73
Committeeman, unopposed; name on ballot	1957	573
Conformity with justice of peace districts	1955	419
County commissioners cannot disregard	1927	369
Gilchrist county; consolidation	1949	169
Local law creating; validity	1945	771
Officials holding elections, construction of law re; conduct of	1929	395
Polling places		
Campaign signs within one hundred yards of; legality	1957	599
Hours of opening and closing	1927	412
	1931	997
	1935	353
Moving of; procedure	1957	573
Number of; racial segregation	1947	72
Persons not permitted within fifteen feet of	1919	136
Standard time	1945	161
		184
		180
Race segregation	1951	180
Registration and qualification of electors	1949	89
		91
		92
		94
Registration officers; compensation; payment	1947	66
Registration; residence	1927	427
	1929	220
Transfer of name to another precinct	1929	397
Voting in districts necessary	1933	345
Voting machines; number required	1949	111
Prerequisite for calling	1931	1013
President and vice-president		
Candidates		
Contributions, expenses, etc., not applicable to	1951	162
Removal of names from ballot	1959	721
Names on ballots, requirements	1951	186
Political advertisements; donation by nonprofit corporations; acceptance by newspapers	1951	208
Preferential primary, holding	1951	186

Subject	Year	Page
ELECTIONS (cont.)		
President and vice-president (cont.)		
Split votes; effect	1951	164
Presidential electors		
Florida entitled to seven	1931	239
Nomination	1943	157
Minority political party, by	1947	101
Primary elections	1907	190
	1919	304
Annual salary or compensation of office sought; definition	1927	314
Assessments and expenses	1929	390
Ballot boxes; disposition of, memoranda, etc.	1927	333
Ballots for, whose duty to print	1913	88
Bond election in conjunction with	1953	94
Books not authorized to be changed	1929	368
Campaign expenses, filing of statement; depositing in post office	1915	131
Candidates		
Announced, who considered as	1913	227
Announcement after date for filing first statement	1915	288
Certain expenditures by, not authorized	1931	474
Clerk circuit court must issue receipt for, filing fee	1927	322
Congress, when and how may become qualified	1927	149
Contributions to other candidates prohibited in primary but not in general elections	1935	363
Donation of portion of salary	1915	277
Filing fee		
Amount	1935	354
Refund after qualifying, legality	1949	118
Unused portion, return of; authority	1915	298
Group, candidate of; may be nominated without opposition	1915	296
Name on ballot	1927	152
		325
Expense statement not filed, name not printed	1931	241
Nominated by	1931	659
Oath and filing fee, duty of clerk to receive	1927	319
Payment assessment of 3 per cent of annual compensation of officer	1931	975
Qualification	1931	991
County, in	1935	361
Fees	1935	357
Refund	1935	377
Last day	1927	319
	1931	235
Same name as registered under	1935	369
Three receive tie vote, names should be placed on general election ballot	1927	293
Write-in votes; not permitted	1951	165
Canvassing board, procedure of, under new law	1929	328
Certain officers, powers	1927	392
Certificate of naturalization prerequisite to registration	1931	191

Subject	Year	Page
ELECTIONS (cont.)		
Primary elections (cont.)		
Certificates of nomination issued only to candidates of parties holding a primary	1915	129
Circuit judge, file qualification papers with clerk circuit court	1927	364
Clerks and inspectors to serve in second	1929	298
Commissioners and school board members, payment authorized by county for	1939	55
Committee assessments		
Final date for making	1915	279
Salary indefinite	1915	274
Conduct of, regulation governing	1929	367
Contributions, deadline date for receiving and depositing	1951	141
Convicts voting	1935	352
County commissioners		
Filing fees for various county officers, without authority to designate	1927	320
Nomination by districts	1915	269
Provisions of section 244, R. G. S., followed by	1927	399
County executive committee members; first primary; names on ballot	1949	137
County officers required to be nominated	1927	317
Data for, first and second primaries	1949	121
Democratic electors only allowed to participate	1931	655
Deputy sheriff		
By whom paid	1939	108
Services, where may be rendered	1935	354
Electors		
Ballot of party under which registered, voting	1913	228
	1915	292
		294
Cast second choice vote, not compelled	1927	379
Challenged elector		
Affidavit showing elector did not vote for person of another party, last general election	1947	52
Changes in party affiliation; election board duties	1949	138
		145
Married women, residence	1935	372
Names not to be published before	1917	470
Publication of list	1927	399
Registration	1927	436
Qualifications	1904	62
		63
		64
Reregistration, transfer of	1943	147
Students, residence	1935	378
Vote in person	1913	226
Eligibility to vote	1927	319
Executive committees		
Assessment fees, return of unused portion	1915	294
Power to fill vacancy	1935	377
Expense accounts, filing	1927	325
Announcing by candidates, when	1927	323
Failure to file	1917	477

Subject	Year	Page
ELECTIONS (cont.)		
Primary elections (cont.)		
Expense accounts, filing (cont.)		
Failure to file (cont.)		
Effect	1913	235
Second campaign	1933	359
Not waivable	1915	289
Party committeemen, whether required by candidates for	1935	374
Period for	1917	461
	1927	320
	1945	195
Statements and fees provided by law	1927	318
Expenses		
Assessments	1929	390
How paid	1913	98
Liability	1945	192
Printing, wrappers, stamps, clerical hire	1913	101
Fees and statements, construction	1931	488
		493
Filing fees	1913	210
		233
Disposition of surplus	1915	283
Legislative candidates, fixing	1913	219
Filing statement, defined	1915	291
First and second choice vote not mandatory	1913	218
Fort Pierce Beach erosion district, nomination of supervisors; effect	1951	183
Independent voters, registration; eligibility	1951	117
Insane persons, court adjudication of restoration of sanity	1935	352
Inspectors and clerks		
Appointments	1913	217
Law relating to authority of	1929	365
Member of any political party	1913	230
Proper returns, continuing duty to make	1913	234
Serve in first and second	1931	1003
Laws governing; to be held in June, 1934	1933	355
Legal voting age	1927	403
Construction of law	1931	654
Names transferred to general election books; expenses, payment	1927	418
National committeemen, method of selecting	1939	112
National convention, only method of choosing delegates to	1939	111
Negro		
Democrat, registration as, prohibited	1933	357
Registration and voting; eligibility	1923	226
	1927	348
		418
	1931	910
		942
		965
	1945	189
	1947	52
Nomination by majority	1935	349
Oath and filing fee; when and where filed	1933	356
Party affiliations	1921	377
	1927	428

Subject	Year	Page
ELECTIONS (cont.)		
Primary elections (cont.)		
Party affiliations (cont.)		
Change of	1933	356
Pencils given away, law construed re	1927	316
Personal presence required of elector	1913	206
Persons qualified to vote	1923	246
		260
	1931	640
		655
		657
		929
Political advertisement signed by committee; legality	1915	286
Political parties, when nominations must be made by	1915	268
Polls, time for opening and closing	1927	412
Provisions of law construed	1929	368
Publication of list of electors	1927	399
Qualification, time for	1945	197
		199
Referendum election; holding in connection with	1953	97
Registration		
Correcting errors in	1913	226
Final date for	1915	280
Persons who cannot write not prohibited from	1937	145
Precinct or courthouse	1913	214
Students of University of Florida, construction of law governing	1933	358
Tax collectors, by; authority	1927	324
Registration books, hours kept open	1915	282
Returns		
Custody	1907	211
Disposition and purpose of	1913	243
Second primary		
Absentee elector's ballot, casting	1931	581
Name of candidate receiving third greatest vote cannot be placed on ballot in	1933	361
Second statements	1933	357
Sheriff		
Duties of	1931	528
Mileage, entitled to	1931	641
Polling place	1923	229
Special election, same date as primary; procedure	1947	74
Special primary		
Candidates; time for qualifying	1951	167
Circuit judge, qualification of candidates	1949	144
Date; procedure	1945	179
		183
Democratic executive committee; duties	1949	136
		137
		141
Municipal elections; polling places; use of same room	1951	181
Provisions for calling	1937	143
Registration books, closing	1951	111
Sale of liquor during	1951	201
Supreme court justices	1947	85
Vacancies in nomination, filling; authority of governor to call	1955	860

Subject	Year	Page
ELECTIONS (cont.)		
Primary elections (cont.)		
Statement, after-primary; effect of failure to file	1947	98
Students must register in person	1931	362
Supervisor of registration required to keep books	1923	276
Tally sheets, disposition of	1931	652
Tax collectors required to compute amount of filing fees		
on net income	1939	111
Third statements	1933	357
Vacancy, call for nomination in case of	1937	144
Violations	1927	436
		444
Vote second choice, optional to White democratic electors only	1915	276
allowed to participate	1931	655
Private committee campaigning for candidate; authorization required from campaign treasurer	1957	798
Proposed constitutional amendments; form of ballots	1945	172
Public officers and employees		
Party office candidate; loyalty oaths	1949	144
		595
Political activities prohibited	1949	590
Publication of list of qualified electors		
Mandatory	1935	344
Supervisor of registration; duty re	1933	349
Publication of notice by board, providing	1937	188
Qualification defined	1931	544
Race segregation; polling places	1951	180
Racing permit, ratification of; special election held in conjunction with general election; cost	1955	768
Redistricting; effect on county party	1947	63
		65
		105
		286
Committeemen and committee-women		
	1945	163
	1947	102
		103
List of qualified electors	1945	415
Prerequisites	1945	418
Registration of freeholders	1945	185
Referendum		
Agriculture and livestock fund, tax levy	1951	297
Annexation of territory to existing municipalities	1947	173
Conflicting laws; passed same session; requirements; effect	1949	26
County fire control units		
Failure to print question on certain ballots	1945	246
Special election for, not authorized	1939	116
Hillsborough county; calling, holding, authority	1951	170
Holding in conjunction with primary election; permissive	1953	97
Local or special acts; requirement	1959	153
Same date as primary; procedure	1947	74
Special election; absent voting; Volusia county	1949	112

Subject	Year	Page
ELECTIONS (cont.)		
Registration		
Absence from county		
Governmental employees;		
military personnel; Seminole		
county	1949	130
Personal application; St. Lucie		
county; requirements	1949	90
Reregistration	1947	62
Affidavits	1923	273
Age	1927	403
Correction	1949	100
Requirements	1921	365
	1927	403
	1935	369
		371
	1947	52
	1951	96
	1947	54
Alien-born citizens		
Alteration of districts; duties		
following	1947	64
Biennial registration	1931	646
	1935	380
	1957	573
Books closed, while; legality		
C. C. C. camp members from		
other states	1935	371
Calhoun county, registrants;		
domicile	1949	94
Canaveral port authority election	1947	112
Ceded territory	1943	145
Certificates		
Absent elector's ballot, effect		
of challenge on	1927	406
Liability of state for cost	1947	70
Special, issuance to illiterates;		
construction of law re	1959	269
Transfer	1904	62
		63
		67
Issuance	1931	656
Citizenship and residence re-		
quired	1915	278
Communist party, members	1951	203
Compensation of registration of-		
ficer, how fixed	1917	463
Construction of law re	1927	404
		435
Conviction of felony as bar	1947	53
Copies of names prepared by su-		
pervisors of registration; com-		
pensation	1949	119
County democratic executive com-		
mittee members; vacancy;		
qualifications	1949	142
Courthouse or precinct	1913	214
Custody of registration list of		
primary elections	1907	211
Deputy officers; fees, registering		
of elector	1943	147
Disabled person; registration at		
place other than that prescrib-		
ed by law	1947	55
District other than where residing	1949	89
		91
		92
		94
		95
Drainage district bond election;		
time for registration	1947	117
Electors	1925	363
Affidavit for primary and gen-		
eral election, required	1937	141
Homestead exemption, no re-		
quirement to be entitled to	1949	284

Subject	Year	Page
ELECTIONS (cont.)		
Registration (cont.)		
Electors (cont.)		
Qualifications	1931	661
Employment elsewhere, eligi-		
bility to vote in home county	1949	89
		91
		92
		94
		95
Failure of candidate to declare		
party affiliation; effect	1947	102
Federal employees		
Citizens of Florida outside		
state; requirements	1949	120
Transfer of names to perma-		
nent registration system	1949	136
Within meaning of chapter		
19333	1939	106
Fee; war veterans not exempt	1931	976
Felons		
Conviction in foreign state;		
civil right of suffrage	1953	71
Unconditional pardon, after	1927	413
Final date for registration for		
primary	1915	280
Florida citizen; outside state;		
required to register in person	1949	120
Foreign born		
Evidence of naturalization	1949	89
		91
		92
		94
		95
Spouse of citizen	1947	54
Fraudulent; illegal voting; ap-		
propriation	1951	199
General election books; closing		
date	1945	169
Governmental employees; mili-		
tary personnel; armed forces;		
mailing absentee ballots	1949	112
		113
		115
Home counties; allowed to vote		
in; registrations; legal resi-		
dence	1949	89
		91
		92
		93
		94
		95
Hospital bond election; free-		
holders	1947	111
Houseboat occupants; proper		
precinct	1947	286
Illiterates; eligibility	1935	340
	1937	145
	1947	52
Independent electors, eligibility	1951	117
Invalids	1951	103
Jurors; qualifications	1947	35
Law repealed	1931	701
Liberty county; special primary	1947	71
Lists		
Correction of, biennially; in-		
quiry forms to electors	1953	75
Removal; restoration	1949	93
		99
Supervisor authorized to		
charge for copy	1931	971
Local laws, effect of new code	1951	203
Local option election		
General laws applicable	1949	499

Subject	Year	Page
ELECTIONS (cont.)		
Registration (cont.)		
Local option election (cont.)		
Opening books for, not au-	1913	267
thorized	1945	182
Method, time		187
		145
Military force; power of attorney	1943	
Municipal elections; freeholder		
status	1949	203
Names, erroneous removal from		
list; restoration	1949	93
		99
Nassau county; school bond elec-		
tions, elector's qualifications	1949	150
Naturalization papers; when nec-		
essary	1913	191
Negroes		
Democratic primaries	1923	226
	1927	348
		418
	1931	910
		942
		965
	1933	357
	1945	189
	1947	52
	1935	359
Republican primaries		
Notices to electors		
Mailing; supervisors of regis-		
tration; duties	1949	83
Orange county	1949	103
Oath		
Requirements	1925	358
	1927	401
	1951	97
Taken before tax collector	1915	157
		285
Officers		
Maximum fee	1931	638
Office	1909	61
Official employees federal gov-		
ernment, within meaning of		
chapter 19333	1939	106
Orange county		
Electors	1949	103
Registrant's appearance; re-		
quirements	1949	131
Removing names, procedure	1949	82
Palm Beach county; controlling		
law	1947	68
Party affiliation	1945	192
Changes, name changes; ap-		
plication in writing	1935	350
	1949	131
		145
	1945	181
Time		
Pasco county to Polk county,		
transfer of lands; voting		
rights	1949	96
Permanent system		
Bradford county	1949	82
Effective date	1949	82
Election districts; Seminole		
county	1949	86
Local laws conflicting; ef-		
fect	1951	105
Personal presence of applicant	1927	412
	1947	61
Persons		
Becoming twenty-one after		
registration period; eligi-		
bility to vote	1947	52
Eligible for	1923	246

Subject	Year	Page
ELECTIONS (cont.)		
Registration (cont.)		
Persons (cont.)		
Residing on government res-		
ervation, eligibility	1951	100
Place	1923	253
	1947	55
		56
Political party, right of appli-		
cant to designate	1947	55
Polk county, electors; prior regis-		
tration; primary elections	1949	90
Poll tax See: Poll tax, this head-		
ing		
Precinct		
Officers; fees, registering of		
elector	1943	147
Residence requirement	1927	321
		405
		427
	1949	89
		91
		92
		94
Prerequisite to vote; poll tax		
not required	1939	102
Primary and general elections of		
1936, reregistration of elec-		
tors for	1933	353
Primary elections	1921	373
Affidavit taken before tax		
collector, after books		
closed	1915	157
		285
Citizenship and residence	1915	278
City primary	1913	231
Construction of	1927	405
		435
Distinct from that of general		
elections	1913	196
		206
Duplicate	1913	199
		223
Electors		
General county register and		
precinct register	1913	199
		223
Qualifications	1904	62
Errors in, correcting	1913	226
Naturalization papers, pre-		
requisite to	1913	191
Officer to furnish number,		
not names, to secretary		
of state	1913	216
Party affiliation, designating	1913	190
	1927	404
	1945	192
	1913	214
Precinct or courthouse		
Race or party affiliation, with-		
out regard to	1913	201
Separate and independent		
from general elections	1913	196
		206
Students of university of		
Florida	1933	358
Sufficiency for general elec-		
tion	1915	135
Supervisor to furnish numbers,		
but not names, to secre-		
tary of state	1913	216
Through another	1913	213
Transcribing names to regis-		
tration books for general		
elections	1913	231

Subject	Year	Page
ELECTIONS (cont.)		
Registration (cont.)		
Primary elections (cont.)		
When required	1933	355
Proof of citizenship; sufficiency	1945	160
Punishment for false swearing	1925	364
Qualifications	1904	62
		63
		64
	1923	277
	1925	358
	1927	401
Record corrections; elector's age	1949	100
Redistricting		
Effect	1947	63
		286
Transfer after	1947	65
Registering before tax collector,		
law repealed	1931	580
Removal of abode; voting require-		
ments; residence	1949	89
		91
		92
		93
		94
Renewal certificates; transfers;		
Hardee county reregistration,	1949	131
residents working elsewhere	1947	62
Residence requirements		64
	1951	96
Absence due to civil service		
work	1949	93
Eligibility to vote in home		
county while employed	1949	89
elsewhere		91
		92
		94
Sarasota county; time for clos-	1947	60
ing books		
School and local option elections;		
registration books, time for	1949	99
opening		
School bond elections		
Broward county; period books	1949	153
open and close	1949	148
Eligibility of electors		
Nassau county; governed by	1949	150
general laws		
Pinellas county; books; closing	1949	84
time fixed by law		148
School district election		
Time	1947	292
Voter's eligibility	1949	313
Seminole Indians; eligibility to		
register and vote	1949	93
Separate, for primary and general		
elections	1913	206
		252
Settled sections; construction of		
law	1957	334
Special acts	1935	356
Special registration; placing books		
in various locations in county;		
supervisor, authority	1957	684
St. Petersburg Beach, city of;		
electors and qualifications	1949	84
Students of university of Florida	1933	358
Supervisor		
Eligibility	1907	39
Necessary help, authority to		
employ	1929	365

Subject	Year	Page
ELECTIONS (cont.)		
Registration (cont.)		
Tax collector, not permitted		
before	1929	363
Through another	1913	213
Time	1921	390
Law designates	1931	712
Transfer	1927	400
Certificates should be issued		
to elector	1931	656
Time for	1927	400
University students	1945	168
Voting precinct	1927	405
Voting rights; residents; lands		
transferred from Pasco county	1949	96
to Polk county		
Wife of soldier; residence re-		
quirements	1951	107
Women		
Ferne sole, as	1927	402
Payment of poll taxes	1927	402
Registration books		
Access to and copying from later		
enactments in conflict with		
prior law	1933	352
Changing between primaries,		
not authorized	1929	368
Closing, time for	1919	155
	1925	366
	1927	400
	1931	649
		650
		663
	1933	347
	1937	141
		143
	1947	116
	1953	73
	1957	573
Charlotte county, school dis-		
trict election	1951	113
Counties without permanent		
registration system	1951	203
Dixie county	1951	104
General elections	1913	257
	1927	417
	1945	169
	1949	83
		84
		133
Jefferson county	1949	133
Municipal elections	1949	83
		84
		87
		133
		149
Primary elections	1949	133
	1953	73
Sarasota county	1947	60
Trustee elections; Pinellas		
county	1949	307
Costs for printing, to be paid	1937	138
County commissioners, duties	1925	362
Custodian	1904	69
Fee	1933	193
Delivery, procedure	1933	353
Disposition of	1923	261
Examination by public; copies	1927	404
Furnishing	1953	78
General election	1927	410
		416
Party affiliations should not		
be shown	1927	428
Separate from primary book	1927	354

Subject	Year	Page
ELECTIONS (cont.)		
Registration books (cont.)		
Hours kept open	1915	282
Kept at designated places	1931	658
Local option elections See:		
Local option, this heading		
Locked in ballot box, course to pursue when	1931	663
	1947	110
	1949	121
Municipal elections, holding books open for	1933	349
Names		
Erased or stricken; should be published	1931	525
Primary registration books transcribed into general registration books, no authority	1913	231
Transferred	1927	419
New registration books; time for opening	1947	59
Old tally books; preservation by supervisors of registration; statutory requirements	1949	102
Opened at precincts and courthouse	1915	124
Opening, time for	1907	178
	1931	649
	1933	347
		355
	1937	141
		143
	1947	59
		60
	1949	98
Counties not under permanent system	1951	102
Palm Beach county	1951	115
Primary elections	1904	62
	1949	121
	1949	98
Registration officer, duty		
Orange county; sending out district registration books	1935	341
Period required to be kept open	1925	360
	1927	312
Permanent registration system; opening of	1955	385
Physically infirm or illiterate persons, registration; requirement	1953	65
Pinellas county, construction of statute, in re	1931	648
Placing in various locations for registration of electors; supervisor's authority	1957	684
Political affiliation, registration of electors, regardless of	1904	63
Poll taxes; time for closing and payment	1931	665
Precincts		
Closing	1917	236
		239
Election officials: duties re	1933	350
Sent to each	1923	261
	1931	647
	1927	409
Preparation		
Primary elections		
Change unauthorized between the two primaries	1929	368
Construction of law re	1931	650
Party affiliations should be shown	1927	428
Period to be kept open	1933	355

Subject	Year	Page
ELECTIONS (cont.)		
Registration books (cont.)		
Primary registration book, use at general election	1915	135
Printing by secretary of state; authority	1937	138
Purge of; subsequent to bond election	1951	168
Registration officer, duties of	1931	662
Reinstatement of previously registered electors when books are closed; prohibited	1957	836
Requirements	1931	658
Revision		
Examination by county commissioners; Dixie county	1951	104
Requirement	1931	498
School and local option elections	1949	99
Separate set required for general election	1927	416
Special election, opening prior to	1905	64
		169
		173
	1909	70
	1951	111
Special primary; closing		
Special school and referendum elections held in conjunction with emergency constitutional referendum, 11-3-59	1959	230
Supervisor of registration		
Duties	1925	362
General election, in re	1931	243
Transfer of names to new books, authority	1931	475
System for	1923	270
Taking to bedside of invalids	1951	103
Tax collector, duties	1925	362
Transfer of names	1931	475
Closed period, during	1951	108
Primary to general election books; expense, payment of	1927	355
		418
Redistricting, after	1947	65
Representatives of corporations, political contributions	1949	591
Reregistration		
Alteration of districts	1947	64
District other than where residing	1949	89
		91
		92
		94
		95
Electors; relocation of districts; requirements	1951	114
Exemption while in military service	1945	161
		164
		168
General election, not necessary prior to	1904	63
Governmental employees, requirements	1939	101
	1949	120
Permanent registration system	1949	82
Primary and general elections of 1936, prior to	1933	353
Prior registration; validity; Polk county	1949	90
Santa Rosa county electors	1937	137
Time	1947	57
		59
		69

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
Reserve corps, military establishments; absentee ballots; eligibility	1949	113 115
Residence requirements		
Home defined; eligibility to vote; Holmes county	1949	89 91 92 94
Qualification of electors	1949	89 91 92 94
Registered in Philadelphia; not eligible to register, vote in Florida	1949	93
Resignation six months before assuming another office	1941	86
Right of suffrage and to hold office after conviction of crime	1933	346
Rubber stamps		
Candidates, use	1929	306
Election booths, placing in	1935	390
Fill-in voting; legality of use	1947	73
Stickers, use	1951	147
Rural electric cooperatives; occupational license tax	1947	442
Sailors and soldiers, right to vote	1929	364
Saloons; closing on election day	1945	183
Sarasota county hospital board, candidates for membership; campaign contribution and expenditure reports, filing	1953	87
School officials or bond elections		
See: SCHOOLS		
Secret ballot adopted in 1895	1933	344
Secretary of state		
Candidates; party assessments; disposition	1949	132
Deputies to inspect voting machines; compensation, etc.	1939	6 14
Sworn statements of candidates, duty to accept	1945	199
Seminole Indians; eligible to register and vote	1949	93
Servicemen		
Absentee voting; registration; re-registration	1949	113
Qualified elector; motor vehicle license requirement	1951	470
Right to vote in national elections; not registered	1951	98
Wives of; registration requirements; absentee voting	1951	100
Settled sections, registration; construction of law	1957	334
Sheriffs		
Appointment of deputies	1943	137
General or primary election, paid from county treasury in either	1939	108
Inspectors and clerks, powers and duties	1927	391
Polling place	1923	229
Slot machines	1935	739
Effective date of referendum	1935	741
Soil conservation board; supervisors, write-in votes; validity	1951	632
Soldiers and sailors on duty in this state	1935	390

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
Special elections		
Candidates, failure to file expense statements on time	1935	381
Delegates to convention; amendment to federal constitution; qualifications	1933	367
Electors, qualifications	1905	191
	1909	68
	1933	365
	1935	387
Last date to register and pay poll tax	1935	385
Members of legislature	1919	58
Municipal election to fill vacancy in office of mayor; holding in conjunction with general election; validity	1955	743
Recall, municipal officers	1923	74
Registration may be solely in office of supervisor of registration	1933	366
Slot machines, procedure for canvassing result of election	1935	386
Verification of petition; supervision of registration, responsibility	1957	50
Special primary		
Provisions for calling	1937	143
Qualification time	1951	167
State		
Officers and employees; political activities	1949	119
Party executive committee members; evidence of election	1949	140
Representative; candidate's filing fee	1947	86
Stickers		
Ballots	1935	346
Fill-in voting; legality of use	1947	73
Straight party ticket; voting by one operation of voting machine	1947	77
Suffrage, right of, and to hold office; after conviction of crime	1933	346
Suit by defeated candidate against county canvassing board; attorney's fees	1947	108
Supervisors of registration		
Absent due to illness; authorized to appoint deputy	1949	118
Absentee ballots		
Application by servicemen's wives, requirements	1951	100
Application; sick and disabled persons	1949	114
Delivery to precincts; mileage	1949	115
Form not furnished by supervisor; validity	1949	116
Uncounted, preservation	1951	178
Additional help, when may be employed	1925	94
Application of law as to status as county officers	1937	82
Appointment, term	1921	98
Assistance not authorized	1923	270
Assistant		
Compensation	1949	142 143
Deputy supervisors, appointment	1951	114
Fees	1949	142 143
Association membership dues; payment by county	1945	257

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
Supervisors of registration (cont.)		
Candidate for another office, when to resign	1939	68
Census enumerator, cannot serve as	1923	156
Certificate of nomination to party candidate selected by committee; issuance	1955	731
Certificates to electors, directed to give transfer	1925	356
Change of party affiliation by electors, time	1945	181
Commissions of, in certain countries	1927	147
Communist party members, registration; duty	1951	203
Compensation	1925	365
	1935	225
	1941	86
	1951	109
Clay county	1949	101
County commissioners authorized to reduce	1931	647
District registration officers	1947	66
Fixed by local law; increases	1959	623
Fixing	1917	463
Hillsborough county	1947	161
Nassau county	1949	101
Orange county	1949	499
Primary election law, construction re	1931	650
Sumter county	1949	153
Copies of names, etc., of electors, authorized to furnish	1927	404
County canvassing board, county commissioners not prohibited by law from allowing compensation for	1927	423
Declaration of party affiliation by registrant	1927	404
Deputy		
Absent elector's ballot; authority	1949	117
		118
Appointment, duties, etc.	1949	118
Branch office, issuance of absent electors' ballots, authority	1955	275
Custodian, voting machines; appointment, compensation	1953	108
Elector's certificate, act as attesting witness under supervisor's seal; authorized	1953	111
Employment, salary, expenses; authority	1939	6
Escambia county, appointment	1949	119
Minors serving as; not eligible	1953	76
Disabled person; registration at place other than that prescribed by law	1947	55
Duties	1927	408
		423
	1931	243
		662
Furnish list of registered electors	1925	356
General	1923	276
	1925	359
		362
General election books separate from primary, preparation	1927	354
Palm Beach county	1945	165

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
Supervisors of registration (cont.)		
Duties (cont.)		
Racing elections	1931	519
Registration	1925	358
Negroes as members of democratic party	1945	189
Registration books	1927	312
Electors		
Certified list		
General election, publication prior	1927	419
		420
Publication	1931	665
		666
		1045
Not authorized to pass upon qualifications of	1927	406
Poll tax affidavits, authorized	1923	273
Eligibility	1907	39
Eligibility to hold another office	1905	88
	1923	262
	1927	127
	1929	370
	1947	66
Employment of necessary help, authorized	1929	365
General law, construction		
\$258, C. G. L.	1931	523
Hospital bond election; duties	1947	111
List of qualified electors		
Contents	1935	373
Posting	1921	396
Preparation, fees	1949	119
Publication	1925	367
Member of legislature; eligibility for office of	1905	88
Municipal organization; duties	1947	171
New election districts; duty to recognize	1945	170
Nomination of, in primary	1917	475
	1927	318
Office, when not eligible to run for	1931	652
Official seal; certificates	1943	148
Palm Beach county		
Controlling law	1947	68
Time for opening registration books	1951	115
Party affiliation		
Change, procedure	1927	409
		414
Right of registrant to designate	1947	55
Place of registration	1947	55
		56
Poll lists, ballots, etc.; disposition by election board	1947	94
Port district bond election; opening of registration books	1947	112
Prerequisite for becoming candidate for other office	1927	397
Private office, space	1933	193
Registration books		
Duties	1925	362
	1931	243
Locked in ballot boxes, recovery	1947	110
Names to be transferred	1927	419
Placing in various locations for registration of electors; supervisor's authority	1957	684
Time for opening; Palm Beach county	1951	115

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
Supervisors of registration (cont.)		
Registration list		
Biennial correction; inquiry forms to electors	1953	75
Copy, authority to charge for	1931	971
Registration solely in office of, in special elections	1933	366
Resignation six months before qualifying for another office	1941	86
School district elections		
Duties and compensation	1939	68
		185
Poll list, duty	1951	405
Special election, petition for; verification of signatures, responsibility	1957	50
State organization meetings, expenses of; dues payable	1953	80
Straw vote on public question, use of ballot boxes; duties	1953	69
Striking certain names from books, not required	1925	361
Term of office	1925	357
Transfer names, without authority	1923	210
	1925	354
Transfer of electors to their proper precincts, power and duty to make	1929	397
Traveling expenses		
Allowance; absentee ballots; delivered to precincts	1949	115
Performing official duty; payment authorized	1951	110
Voting machines, in connection with	1945	258
Triplicate registration books, publication of list of qualified electors	1935	341
University students; duty to permit registration	1945	168
Voting, eligibility for	1927	421
Write-in votes, casting and canvassing; procedure	1953	110
Supervisors of state soil conservation board See: SOIL CONSERVATION BOARD, STATE		
Tally sheets, disposition of	1931	652
Tax collector		
Orange county; vacancy; special primary; nomination	1949	136
Registration books, duties	1925	362
Vacancy by death; term of office	1949	89
Taxpayer; used in §167. 21, defined as freholder	1959	454
Tie vote		
School trustee; procedure	1939	206
Selection of nominee with no executive committee	1935	349
Unnaturalized spouse of citizen; registration	1947	54
Unopposed candidate; party committeemen and committeewomen; campaign expense statement	1949	123
Unregistered veteran; eligibility to vote	1945	161
		176
United States president and vice-president See: President and vice-president, this heading		
United States senate, special qualifications for	1935	368

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
Supervisors of registration (cont.)		
University of Florida students; qualification of electors to vote	1933	348
	1935	342
Vacancies		
Change of residence; special election	1905	145
City council, how filled	1927	439
County executive committee		
Filling	1951	185
		194
Quorum of members for County office	1951	193
Nomination of candidate	1945	177
		180
Term, filing fee	1945	198
Created by removal of officer from district	1913	238
Death of elected official day before assuming duties; status of office	1905	146
Democratic executive committee, not filled by governor	1917	176
District trustees, appointment to fill	1937	181
Elective offices, appointment to fill	1909	35
		82
Executive committee, filling of	1953	115
Filling		
Appointment, by	1945	218
		380
		404
Method, application of statute, in re	1931	1062
Justice of peace		
Filling	1937	72
Unexpired term; filling	1953	35
Legislative office; special election	1949	84
Nomination		
Candidates, qualification time	1951	167
Method of filling	1947	94
		95
		108
		109
Subsequent procedure	1947	96
Officer, when ceases to be an inhabitant	1927	294
Party executive committee; method of filling	1947	82
School board		
Method of filling	1945	380
Time of appointment	1947	282
School trustee, filling	1953	323
State offices	1931	1062
Status of resigned county judge	1945	218
Temporary absence of officer, effect of	1947	39
Term of appointee	1909	90
		91
	1947	127
Various questions answered	1935	346
Violations; investigations; witnesses, immunity to prosecution	1955	524
Voting		
Age, registration and poll tax	1931	959
Assistance in marking ballots, certain persons voting may have	1927	324
Bond election, qualification	1925	367

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
Voting (cont.)		
Certain persons not qualified	1931	640
District other than place of residence	1929	397
Domicile and registration requirements	1933	343
Dry, sale of intoxicating liquors permitted in precincts	1933	329
Elector		
Method of qualification	1931	661
Physically handicapped or illiterate; assistance	1953	65
Voting in another county	1939	100
Fill-in voting		
Method	1945	173
	1947	73
Rubber stamp or stickers	1947	73
Stickers	1945	173
Inmates of poor farm entitled to vote	1933	343
Less than eight presidential electors; legality	1947	74
Machines; custodians	1943	152
Married minors not qualified	1927	363
Military force, qualifications of electors	1943	144
Municipalities not authorized to impose poll tax as prerequisite to vote	1939	501
Personal presence of elector necessary in voting	1913	206
		226
Persons		
Convicted of larceny not qualified	1931	645
	1953	72
Eligible for	1923	257
Unable to write are qualified	1939	103
Poll tax See: Poll tax, this heading		
Prerequisite to vote	1923	285
	1927	321
		398
	1931	657
President, method of voting for when electors not on ballot	1935	338
Registration		
Domicile requirements	1933	343
Election district necessary to	1933	345
Prerequisite	1939	102
Right not forfeited when persons reside in place other than county in which permanent home and domicile established	1931	492
Same person for different offices; duty of election board	1947	75
Servicemen, not registered; right to vote in national elections	1951	98
Special tax school district		
One-fourth of electors of district necessary to sign petition to annex additional territory	1933	405
Qualifications	1933	404
Status of freeholders	1939	102
Suspension of sentence does not remove disqualification	1931	646
Suwannee county; military force; reregistration	1943	146
United States president and vice-president, split votes; effect	1951	164

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)		
Voting (cont.)		
Validity in ceded territory	1943	145
Vote count		
Canvassing	1931	989
Error in; corrective procedure	1947	107
Woman citizen, eligible though married to a foreigner to vote	1933	344
Voting machines		
Bond election; holding on same day as general election; procedure	1947	79
Custodian		
Mileage	1945	258
Population act, effect	1951	173
Deputy custodian; appointment, compensation	1953	108
Elections under school code, use in	1939	192
Experimental use; legality	1949	110
Gulf Beach service district; Pinellas county	1949	109
Special tax school district; instruction to electors	1949	314
Voters 600 less; one machine required; Escambia county	1949	111
General election; write-in votes; (X) mark	1949	107
Inspectors to consolidate votes of three machines	1937	141
Instructions; elections; special tax school district	1949	314
Law providing for use in conflict with election laws	1931	961
Municipal elections		
Required to use	1949	108
		109
		111
Signature identification slips, inspection	1951	182
Use		
Requirements	1949	111
Special, primary and general	1949	109
Write-in voting	1949	108
Municipalities, use by when owned by county	1959	259
Number required in precinct	1953	113
Placing (X) before name of candidate when voting, required	1939	107
Primary election; effect of use in	1935	363
Regular polling places opened; voting machine required; biennial school district election	1949	109
Return to warehouse after election; requirements	1957	573
Safety Harbor, city of	1949	110
School district elections, use in	1945	176
Secretary of state authorized to employ and pay deputies to inspect	1939	14
Tax levy election; holding on same day as general election; procedure	1947	78
		79
Unopposed candidates; voting method	1949	107
Use in elections under school code	1939	192
Voting straight party ticket by one operation	1947	77
Withdrawal of candidate; refund of filing fees	1947	92

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
ELECTIONS (cont.)			ELEVATORS		
Women			Florida industrial commission; fees collected; continuing appropriations or trust funds	1949	337
Elected to office; commission paid after change in name by marriage	1929	194	Inclin-ator and stair-travelor defined as	1951	527
Elector or candidate, not qualified as	1905	195	Regulation and inspection		
Qualifications	1921	339	Appropriation for enforcement fees	1947	447
World federal government; proposed memorial; ballots; printing question	1949	106	Collection, use	1951	549
Write-in votes			Disposition	1947	447
Ballots (X) mark; general election voting machines	1949	107	University of Florida in operating under workmen's compensation act, liability of	1937	243
Candidates; qualification	1953	82	ELISOR		
Casting and canvassing	1953	110	Appointment; payment of services; county liability	1949	54
General election, title of office printed on ballots; casting of	1951	163	Arrests; sheriffs not entitled to fees	1949	43
Independent candidates	1951	173	ELKS CLUBS		
Campaign statements; requirements	1951	147	Property purchased as recreational area and building site; tax situs	1957	197
Primary election, not permitted	1951	165	Taxation, when exempt from	1931	788
Soil conservation board, supervisors; validity	1951	632	Embalmers See: FUNERAL DIRECTORS AND EMBALMERS		
Space for, on ballot	1949	133	Embalmers, state board of See: FUNERAL DIRECTORS AND EMBALMERS		
		137	EMBEZZLEMENT		
Sufficient to elect justice of the peace	1937	140	Contractors, misapplication of funds, punishment, etc.; mechanic's lien law	1959	325
Voting machines	1949	108	County court jurisdiction when value is alleged to be \$22. 50	1927	229
Writing names on ballot, legality	1931	757	Sales tax collections, refusal to remit	1951	342
Electors See: Electors under ELECTIONS			Statute of limitations	1939	562
Electric and water works revenue; certificates; investments for banks; not legal	1937	16	Emergency landing fields See: AIRPORTS		
ELECTRIC COMPANIES			Emergency laws; wartime; time of termination	1945	75
Current, tax due on gross amount	1931	728	EMIGRANT LABOR AGENTS		
Excise tax, when liable for only one	1931	885	Prosecution	1943	393
License tax, requirements	1905	76	Soliciting of professional services; license requirements	1957	846
Electric power plant; taxation; municipalities; public utilities plant outside county	1949	222	EMINENT DOMAIN		
Electric roll call; installation of service	1937	620	Board of control; procedure for exercising right	1947	333
Electrical equipment; municipalities; power to sell; election by freeholders	1949	206	Broward county port authority, power to condemn	1941	73
Electrical workers building association; corporate nonprofit; claim for exemption, eligibility	1959	766	Clerk's fees		
Electrical workers union; group life insurance; extension of coverage to nonunion members	1959	196	Moneys paid into registry of court	1953	21
Electrically propelled vehicles; operators; driver's license; motor vehicle license plate	1955	399	Services	1949	80
ELECTRICITY			County commissioners; authority to establish road; exercise right of	1949	185
Electrical energy, proposed contract for; powers of board of control	1947	343	County roads; procedure for establishment	1947	398
Gross receipts tax; sale by trailer park operator	1947	248	Jurors, meals for; payment by state	1905	53
Rural electric cooperatives; occupational license tax	1947	442	Jury has right to view and fix value of right of way	1933	620
ELECTROCUTION			Murphy lands, federal condemnation; states, title, transfer, notation, tax records	1951	305
Person, whose duty to perform	1927	116	Navigable waters, right of way procuring by eminent domain for public use; county commissioners, authority	1959	275
Requirements for	1923	80	Procedure	1941	74
Sheriffs, fees allowed	1931	628	Property for bridge purposes; proceedings	1933	623
Electro-therapeutists; certificate, as provided by chapter 12286, required	1927	250	State road department, exercise right of	1919	270
Eleemosynary corporations; vacant lots owned by; taxability	1957	573		1933	618
Eleemosynary foundation; nonprofit organization, tax exemption	1959	121	Title, vesting; time	1951	87
Eleemosynary institutions; trust estate, where belong to life income, is reserved or willed, income should be returned for taxation	1937	546	Tower sites, acquisition by forestry board	1941	708

<u>Subject</u>	<u>Year</u>	<u>Page</u>
EMINENT DOMAIN (cont.)		
Unconstitutional taking of the value of property destroyed, when deemed as	1929	402
EMPLOYEES		
See also: STATE OFFICERS AND EMPLOYEES; EMPLOYEES; COUNTY OFFICERS AND EMPLOYEES;		
Specific head		
Appointment under school code upon recommendation of county superintendent (This opinion was recalled, see page 160)	1939	154
Group insurance		
City of Clearwater	1941	89
Dependents; coverage	1949	547
Group life, group health, accident insurance; eligibility	1949	543
		554
		555
Plan compulsory; legality	1947	615
Pension plan; intangible taxation of assets	1945	325
Retirement See: RETIREMENT SYSTEMS		
Retirement refund, assignment	1953	127
Securities commission; effect of bond defining employees as employees of state treasurer	1947	21
Trust funds; retirement and benefit plans for employees of corporate or private industry; tax exemption	1957	64
Vocational education of defense workers, military leave of absence	1941	117
Workmen's compensation law		
Accidents; "street risk" benefits; application	1951	540
Application of	1939	377
Dredging operators; coverage, eligibility	1953	475
Golf professional; club employee	1949	439
Officer of a corporation, etc., as embracing; construction	1939	363
School board; benefits of personnel under	1949	305
Wages under, no right to	1939	361
EMPLOYERS		
Industrial commission, examination of books by	1943	383
Property damage by employee, liability	1941	335
Workmen's compensation law See: WORKMEN'S COMPENSATION LAW		
EMPLOYMENT		
Dual See: Specific head, DUAL OFFICES		
Fixed by the month; effect of employment for less than a month; average daily compensation	1957	413
Special deputies, residence requirements	1959	601
EMPLOYMENT AGENCIES		
Continuing appropriations repealed; exceptions, trust funds	1949	337
Fees; non-refundable; right to charge	1949	446
Labor unions, American guild variety artists; applicable law	1949	438
License; qualifications	1949	446
Nonrefundable service fee; right to charge	1949	446

<u>Subject</u>	<u>Year</u>	<u>Page</u>
EMPLOYMENT AGENCIES (cont.)		
Occupational license taxes	1947	253
Officers of corporate applicants, residence requirement	1955	481
Private		
Labor, procuring, for local and out-of-state employment; license requirement	1957	185
License revocation; witness before commission; advance payment of compensation	1959	125
Promotion offices, license tax; liability	1953	280
Regulations; fees collected, use	1951	549
Theatrical		
Foreign; license, requirements	1951	570
Managers, agents, etc., foreign; license requirements	1951	570
EMPLOYMENT BOARD, STATE		
Effective date of statute	1935	599
Members, payment of expenses	1935	599
ENDORSEMENTS		
Liens; title certificates; motor vehicles	1949	352
State warrants; method	1945	725
ENGINEERS		
Architecture, practice of; authorization	1957	46
Board of engineer examiners		
Certain acts constitute practicing profession	1919	284
Chief of industrial safety; Florida Industrial Commission; license requirement for position	1959	330
County engineer may be city engineer	1923	174
Licenses		
Engineer, definition	1945	586
Land surveyor, definition	1945	586
Revocation; authority	1931	414
Maps and plats; definition of land surveyor	1949	458
Power to employ member	1945	585
Professional engineer, owns and operates construction business; fees for engineering services	1957	517
Re-examinations	1935	523
Renewal certificates when authorized	1925	257
University teaching staff; members; two job payroll, legal	1949	324
Unqualified county surveyor; proceedings in quo warranto	1947	463
County commissioners; authority to employ county engineer	1949	181
County; professional engineer; registration	1949	458
Definition; license	1945	586
Occupational license taxes; corporations	1947	254
Professional engineers, use of term by other than	1947	462
Road department; employment of private engineers on contract basis; authority	1953	421
Surveys of lands; preparation of maps and plats	1947	464
Telephone engineer, position also as inspecting engineer; legality	1925	77
Use of term "engineer" by other than professional engineers	1947	462
Englewood water district; taxes, levy and collection of; procedure	1959	734

<u>Subject</u>	<u>Year</u>	<u>Page</u>
Entomology, board of; plant board authority to appoint; to enter upon private property to eradicate certain pests	1939	410
Epileptic and feeble-minded See: FARM COLONY FOR EPILEPTIC AND FEEBLE MINDED		
Equalization board, county See: COUNTY BOARD OF EQUALIZATION		
EQUIPMENT		
Constables, county without authority to furnish	1959	10
Leases with option to purchase; documentary stamp tax, liability	1959	490
EROSION		
Doctrine of; application with reference to state uplands; ownership by state	1957	865
Lands; delinquent taxes; effect	1949	225
Escalator or posted market price clause; competitive bids; county commissioners, authority to accept	1953	150
ESCAMBIA COUNTY		
Alcoholic beverages vendor; proximity to school	1947	491
Cigarette tax funds; transfer, expenditure	1943	184
Circuit court and court of record; service of process	1947	44
Clerk, court of record; compensation	1949	50
Commitment of prisoners, duty of sheriff	1951	786
Contracts; repairs to equipment; competitive bids	1949	185 381 382
County jail, furnishing and equipping; building tax; use	1953	164
County judge; ex officio judge of juvenile court, compensation; annual report	1951	248
County solicitor; information, verification and filing by assistant; without authority	1959	12
Court of record		
Bail bond, forfeiture; concurrent jurisdiction with circuit court	1951	768
Judge, assignment to criminal court	1941	44
Election districts; number of electors; voting machines; requirements	1949	111
Juvenile court; county judge as ex officio judge, compensation, annual report	1951	248
Lillian bridge bonds, participation in distribution of gasoline taxes	1941	429
Pensacola junior college, change of location; use of funds; legality; restrictions	1957	682
Santa Rosa county time warrants, authority of board of administration to cancel interest coupons	1941	430
Schools		
Exceptional children; operation, local tax fund	1951	361
School board purchase of supplies, etc., from oil company; member, lessee, operates filling station; legality	1951	385
Sheriff		
Approval bond; liability	1949	608
Commitment of prisoners, duty	1951	786

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ESCAMBIA COUNTY (cont.)		
Supervisors of registration; chief deputy; appointment	1949	119
Tax assessor; application for writ of mandamus against; procedure	1905	30
Escapes See: PRISONERS		
ESCHEAT		
Course to pursue	1925	329
Devolution by	1933	144
Estates		
Refunds	1941	757
State treasurer		
Disposition	1943	101
Method of handling	1941	757
Property of intestates	1935	685
State treasurer's duty re escheated property	1905	90
Escrows; certificates of capital stock; held by securities commission; taxability	1953	531
ESTATE TAXES		
Administration expense, charged against Florida estate; prohibited	1931	1031
Amount taxable, application in re Commissioner of revenue	1931	1028
Costs and expenses; payment required	1931	293
County judge, preparation of certain report; commissioner without authority to require	1933	61
Payment of fees	1931	579
Construction of law	1931	292 592 461
Estates, closed prior to date of act	1931	888
County judge's fee for reports	1933	254
	1935	259
Credit allowed estate, taxes paid to another state	1933	61
Decedents; interpretation in re	1931	583
Deering estate, assessment required	1937	535
Domicile	1935	40
Estate by entirety, special liens for estate and gift taxes; personal liabilities of transferees, etc.	1955	838
Estates		
Certain, liability for	1931	978
Intangible personal property located in another state; taxable in Florida	1949	248
Liability for full value where part of assets were paid by a devisee	1939	462
Exemption of gift to Florida state college for women from tax of grantor	1941	326
Federal and state estate and death tax, payment of; application of 1957 amendment	1957	337
Intangible property of nonresident decedent not taxable under 1933 act	1939	466
Mortgage bonds, certain, exempt	1931	936
Nonresident business; taxability	1951	295
Reciprocity between Florida and other states	1953	245
Special liens; personal liability of transferees, etc.	1955	838
State has no statute to contest validity of federal estate tax	1927	127

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ESTATE TAXES (cont.)		
State attorney, duty of	1931	393
Taxation	1909	48
ESTATES		
See also: PROBATE LAW; ESTATE TAXES		
Administrator; county judge; deposits; share of missing heir	1949	79
Bank accounts of decedent, delivery of to foreign personal representative, legality	1959	21
County judge; disqualification in probate matters	1945	716
Distribution; murderer of decedent; heir adjudged insane	1943	487
Escheat to state, course to pursue to	1925	329
Foreign banks and trust companies not authorized to administer	1931	1057
Funeral expenses; liability of postal savings account	1945	533
Homestead exemption, application for, by personal representative	1945	282 283
Instruments recorded; wills, codicils, transcripts, orders	1949	564
Intangible personal property		
Distribution without consent of probate court; vestment of title	1959	532
Located in nonresident state; taxable in Florida	1949	248
Nonresident decedent not taxable under 1933 act	1939	466
Legacies to colleges in and out of state; tax exemption	1949	247
Legatee; stock; documentary stamp tax	1943	226
Liable for full value where part of assets paid for by a devisee	1939	462
Nonresident administrator; situs of intangibles; taxation	1945	295
Probate law; effect of revision	1945	716
Redemption of delinquent taxes by daughter	1945	315
ESTATES BY ENTIRETIES		
Intangible personal property tax, exempt from	1957	912
Motor vehicles, ownership by; title transfer, requirement	1953	633
Personal property		
Investment in credit unions; requirement	1953	633
Sales tax warrant, execution	1951	339
Special liens for estate and gift taxes; personal liabilities of transferees, etc.	1955	838
Estero, town of; property in; special tax on	1905	99
ESTREAT OF BONDS		
Appearance in criminal cases; sheriff's fee	1905	156
Approval	1929	300
Bail bonds posted by persons charged violating municipal ordinance; application of general law	1959	492
Compromise	1933	212
County judges' fees; preliminary hearing; criminal jurisdiction	1949	58 619
Judgment lien; release by county commissioners	1945	310
Justice of peace		
Fees where appearance bond is estreated	1959	428

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ESTREAT OF BONDS (cont.)		
Justice of peace (cont.)		
Jurisdiction	1957	552
Procedure	1941	772
Proceeds, disposition upon estreature	1941	771
Prosecuting attorneys		
Compensation	1949	189
Fees	1951	59
Recourse sureties	1935	221
Settlement of judgments; comptroller not authorized	1949	182
Supersedes bond, etc.; procedure	1917	149
Eustis, city of; charter powers	1939	529
1947	604	
1931	730	
EVERGLADES DRAINAGE DISTRICT		
Bonds		
District, state does not guarantee or underwrite	1929	414
Refunding bond plan, constitutionality of statute to become effective upon certain contingency	1939	340
Registration	1935	779
Safekeeping receipts acceptable, state treasurer	1949	29
State treasurer		
Delivery to district by	1941	369
Held by	1939	341
Claims obligated by fire control board, payment of	1929	265
Commissioners		
Borrowing money; authority	1929	183
Claims against, payment	1929	265
Conveyance of lands to United States, internal improvement fund	1949	333
Expenses for private citizens, contributions of county commissioners; legality	1947	148
Okeechobee flood control district has authority to make temporary loan of funds	1929	259
Old plantation water control district; bond election, time for registration	1947	117
School lands under contract for conveyance; taxation	1947	205
State treasurer, disburse acreage tax funds; authorized	1937	301
Taxation		
Assessments		
Collections; taxing officials; compensation	1949	229 232
Compensation of assessor of Dade county	1947	158
Cancellation	1941	357
Fire control tax certificates	1947	219
Compensation for collection	1941	180
Delinquent taxes, court opinion affects sale of lands for	1931	297
Fire control delinquent taxes; cancellation of certificates	1947	219
Lands within; belonging to game and fresh water fish commission; assessment	1949	345
Lists, publication of	1931	265
Maintenance tax		
Levy	1941	370
Payments authorized	1937	302
Property subject to state and county taxes, when	1931	290

Subject	Year	Page	Subject	Year	Page
EVERGLADES DRAINAGE DISTRICT (cont.)			EVIDENCE (cont.)		
Taxation (cont.)			Criminal cases, suppress evidence, admissibility; seized contraband, introduction	1955	31
State and county taxes			Insufficient to convict; county judge's court; prosecuting attorney, authority to nolle prosequere	1949	184
Acceptance when not proffered	1931	284	Personal property, holding as evidence in criminal cases; replevin-ed by person not a defendant	1951	88
Liens; superiority	1945	314	Photographic reproductions of original records; admissibility	1941	75
Subject to, when lands in	1931	290	Prisoners; use of censored letters as	1953	722
Tax assessor			Search and seizure; inventory receipts, late delivery; admissibility	1953	711
Tax lists and re-extending taxes; entitled to reasonable compensation	1939	72	Search warrant, evidence seized by authority of; evidence admitted	1957	273
Unofficial work, compensation for	1943	210	State chemist's certificate, proper form to be used as	1913	144
Tax certificates			State party executive committee members, certificate; evidence of election	1949	140
Cancellation	1947	216	Tax deeds, as prima facie evidence of title; proof of validity	1905	196
Redemption	1933	106	Weapons, etc., filed in criminal case; disposition	1947	33
Tax deeds; issuance by clerk of circuit court	1943	309	Examination of nurses for permit See: NURSES AND NURSING		
Tax liens	1943	196	EXAMINATIONS		
Tax sale; to whom lands shall be bid off when no bidders; tax collectors, fees	1939	339	Meats, cold storage; imports from points without the United States; livestock board, authority	1959	5
Trustees I. L. fund with reference to tax certificates, authority of	1931	458	Medical examiners, board of; examinations, bids for printing; requirements	1959	345
EVERGLADES EXPERIMENT STATION			Examining board; United States army officer member on	1911	89
Annual appropriation, payment from debt service fund	1941	324	Examining committee; incompetency proceedings, compensation; effect of amendment	1953	450
South Florida conservancy district, liability for drainage district taxes of	1939	298	Excise taxes on documents See: DOCUMENTARY STAMP TAX		
EVERGLADES FIRE CONTROL DISTRICT			Execution; sheriff to forcibly enter private dwelling to levy upon personalty; lock doors of business to effect attachment; authority	1959	37
Appropriation and budgets; purchasing of tractor on installment plan	1949	338	Executive committees See: ELECTIONS		
Commissioners			Executive order; assignment of circuit judge, insufficient for	1939	78
Governor's commission fee, reimbursement for expense	1953	122	Executors See: ADMINISTRATORS AND EXECUTORS		
Purchase of jeep truck from board member; prohibited	1953	655	Exemptions See: HOMESTEAD EXEMPTIONS; LICENSES AND LICENSE TAXES; TAXATION; Specific head		
Employees			EXHIBITIONS		
Medical services for Jack Collins	1941	549	Motion pictures; bars and hotels; license taxes	1949	267
Workmen's compensation insurance, coverage	1941	570	Nurseries; amusements, etc., maintain within area; separate license requirement	1959	594
Expenditures; building construction	1943	173	Pugilistic; participation in certain exhibition; prohibited	1957	890
Motor vehicles, purchase	1941	121	Railroad cars should pay license tax	1939	518
Tax sales certificates, assessments; cancellation before payment	1955	784	EXPENDITURES		
Unexpended balance may be used	1937	6	See also: Specific head		
EVERGLADES NATIONAL PARK			County-wide beautification program, if authorized	1927	292
Commission			Incident to grading papers	1923	110
Chairman, election and term of	1937	304	Membership dues	1923	204
Officers of	1935	815	EXPENSES		
Power to convey lands and jurisdiction to United States	1943	296	Candidates' statements See: ELECTIONS		
Salaries and expenses authorized to be paid	1937	6			
Tidal lands, taxation	1935	596			
Jurisdiction over lands re crimes committed on or within its boundaries	1957	874			
Right of way; governor's consent; state appropriated moneys	1949	335			
State superintendent as commissioner, eligibility of	1945	778			
Trustees, internal improvement fund; authority	1945	456			
EVIDENCE					
Beverage officer; dwelling; admissibility of evidence seized	1953	665			
Blood test; as proof to degree of intoxication; admissibility	1957	840			
Certified statement of comptroller, admissible in suit against delinquent clerk, and sureties on bond	1939	25			
Confessions, extra-judicial	1941	774			

<u>Subject</u>	<u>Year</u>	<u>Page</u>
EXPENSES (cont.)		
Officers See: Specific head		
Experiment stations; power contract; amendment	1947	342
EXPLOSIVES		
Black powder, sale to hand-loaders of ammunition; license requirement	1955	259
Blaster's permit for licensed user of; regulation of explosives	1955	585
Definition	1955	259
Government agencies, licensing	1943	439
Possession of, license	1943	439
Regulations	1941	687
School science club, rocket project; permit; procedure	1957	539
State and county agencies; licenses; requirement	1955	397
State fire marshal; regulations pertaining to	1955	586
User operating at several locations, license requirement	1955	567
Extended legislative session See: LEGISLATURE		
EXTRADITION		
See also: UNIFORM INTERSTATE EXTRADITION		
Bail bond, limitation of days	1937	130
Costs and expenses incurred in proceedings of; payment	1959	265
Delinquent, twelve year old run-away; authority	1955	930
Failure to support child; divorce agreement	1949	583
Father charged with nonsupport of minor children; procedure	1947	608
Foreign	1923	241
Fugitives from justice		
Confinement of fugitive; requisition	1905	168
Requisitions for; procedure	1905	33
Habeas corpus, costs	1935	759
Law of	1919	140
Nonsupport of ex-wife	1955	887
Persons under criminal prosecution in this state; surrender within discretion of governor	1941	782
Present application for requisition; assistant state attorney, authority	1945	104
Prisoner		
En route to another state; temporary confinement in county jails	1947	607
Federal custody; waiver of rights	1945	126
Serving term in Florida; waiting trial in another state; return	1955	538
Procedure, method	1927	386
Procuring fugitive from foreign country, method	1931	917 925
Requisition		
Affidavit before magistrate	1921	65
Approval	1921	77
Requirements	1921	95
Return of papers	1919	144
Sufficiency of affidavit	1921	66
Sheriff's costs	1927	394
	1933	261
Statistics	1945	48

<u>Subject</u>	<u>Year</u>	<u>Page</u>
EXTRADITION (cont.)		
Uniform interstate		
Construction	1943	508
Delinquent parolee, arrest; parole commission, authority	1953	718
Extraordinary session of legislature		
See: LEGISLATURE		
EYEGLASSES		
Licensed optician only may sell	1931	866
Sale of, by store	1933	637
Service of optometrist or physician, necessary	1931	984

Subject	Year	Page	Subject	Year	Page
Facsimile signatures; revenue certificates issued by board of control; use	1957	193	FARM COLONY FOR EPILEPTIC AND FEEBLE-MINDED (cont.)		
FAIR ASSOCIATIONS			Inmates (cont.)		
Building, construction completed prior to effective date of 1955 law; benefits conferred	1955	435	Custodianship	1941	531
Carnivals operated with, exemption	1933	12	Release	1935	763
		31	Visits, regulation	1941	531
Expenditures of funds for buildings; conditions; maximum amount	1957	326	Investigations, expenses of; no appropriation	1919	99
Florida state fair			Management	1919	106
Bonds issued by Florida state mid-winter fair association; validity	1905	61	Superintendent; bond	1945	531
Warrant issued in favor of treasurer of; countersigned by governor; authorized	1905	62	Transfer of persons from other institutions	1925	250
License tax, liable for	1937	566	FARMERS		
State and county license tax appropriated	1937	96	Hog cholera serum and virus; free distribution	1949	505
Fairchild engine and airplane corporation; accounts receivable, foreign corporation; intangible personal property taxes, situs for	1957	828	Motor vehicle license tax "For Hire" defined	1929	281
FAIRS AND EXPOSITIONS			Farmers' exchange; when license tax required	1931	704
County support	1935	749	Farmers' home administration; documentary stamp tax, written obligation to pay money to; liability	1955	761
State fair; bonds issued by Florida state midwinter fair association; validity	1905	61	FARMERS' MARKETS		
False and misleading advertising			Bonds, issuing for market and cooling plant	1935	784
See: ADVERTISING			Sanford; service station, establishment; authority of agricultural marketing board	1957	643
False imprisonment; police officers; city; liability	1949	601	Taxability	1941	229
FALSE PRETENSES			FEDERAL AGENCIES		
Prior mortgages; misdemeanor; prosecution	1949	573	Apartment house project; hotel commission license fees; exemption	1951	596
Worthless checks; payee knowingly passing; prosecution	1949	575	Notes; documentary stamp tax	1949	254
Family; head of exempt from taxation of five hundred dollars, when	1927	459			258
FARM AND GROVE PRODUCTS			State gasoline inspection tax collectible	1933	76
Georgia farmers exempt from license tax	1931	809	Stockholders to ratify purchase of stock, not necessary	1933	531
		822	Witness fees for federal agents, in state courts	1957	299
Producers only exempt from license tax	1931	743	Federal building and loan associations		
		784	See: TAXATION		
Residents of another state, when may sell without license	1931	818	FEDERAL BUREAU OF NARCOTICS		
FARM COLONY FOR EPILEPTIC AND FEEBLE-MINDED			See also: NARCOTICS		
Admittance requirements; domicile of illegitimate child	1945	528	Physicians, out-of-state; certification	1943	348
Appropriations	1921	134	Federal census		
Board authorized to prescribe rules and regulations	1929	179	See: CENSUS		
Bodies of deceased patients where parents are indigent, disposition	1955	881	FEDERAL COMMUNICATIONS COMMISSION		
County judge, certain duties required of before person is committed	1929	179	Election candidates, advertisement	1951	154
Deed, approval	1921	176	Radio and television station, electronic equipment, same frequency as that used by law enforcement officers; legality	1959	489
Florida beauty culture law; employment; unregistered operator	1955	462	Federal constitution		
Incidental funds; nature and use	1945	529	See: CONSTITUTION, UNITED STATES		
Inmates			Federal credit unions; promissory notes made by; documentary stamp tax liability	1957	23
Commitment, residence requirements	1941	530	Federal estate tax; state has no statute to contest validity	1927	127
Conditional release to private employers	1945	530	Federal farm board; intangible tax; loans made, exemption	1931	922
County judge, power of to commit residents of other counties	1941	530	Federal farm mortgage corporation bonds; depository banks, security	1935	286
			Federal felony; defined	1955	30
			Federal food, drug and cosmetic act; does not amend act of 1906	1937	280
			FEDERAL FUNDS		
			Deposits with state treasurer, warrants for use	1935	761
			Vocational training of defense workers, gas tax exemption	1941	232

Subject	Year	Page
FEDERAL GOVERNMENT		
See also: UNITED STATES		
Aged and blind, increased grant; effect upon maximum allowances	1945	547
Aid		
Hospital construction program; function of improvement commission	1945	520
School lunch program; purposes; administration	1945	375
Secondary and feeder roads	1945	502
State road department, advance payment; acceptance	1951	293
Blackwater river state forest, lessees' and optionees' rights; privileges	1951	633
Condemnation of property in game refuge	1943	329
County roads, damage; reimbursement	1945	465
Employees		
Drivers' license, not required to have to drive government-owned vehicles	1939	492
Mileage	1943	457
Forest service; donation by county commissioners	1945	241
Hotel guests, ejection of undesirable; effect of O. P. A. regulations	1945	607
Intoxicating liquors, not required to pay stamp tax on	1937	233
Military bases; jurisdiction of state; extent	1945	77
Motor vehicle license plate; officers and enlisted men in armed forces; exemption	1931	380
Old age recipients; list furnished to legislative committee	1949	426
O. P. A. ceiling prices; application to state and its agencies	1945	437
Quarantine rules should not conflict with	1931	438
Registration only official employees within meaning of chapter 19333	1939	106
Reimbursement for lost clothing of state guard	1945	445
Reregistration of electors employed	1939	101
State not authorized to borrow money from	1933	457
State road department, authority to designate additional roads as part of federal system	1939	416
State welfare warrants; public records; restrictions	1949	165
FEDERAL GRANTS		
Detention hospital, diseased prostitutes, board of health maintenance	1941	511
Governing boards authorized to exceed budgets to obtain	1937	60
Sanitation projects, military areas	1941	514
State board of health authorized to use appropriation for health building without final determination	1937	2
State welfare board; disabled and blind persons, increased federal grants; maximum allowances; eligibility	1955	523
Federal housing administration See: INSURANCE AND SURETIES		

Subject	Year	Page
Federal housing and rent act of 1949; governor's duty; resolution by municipality	1949	27
Federal intermediate credit banks; stock issued by; intangible property tax payment, liability	1959	629
FEDERAL LAND BANKS		
Bonds; investment of fiduciary funds authorized	1939	18
Trust law does not include bonds issued by	1931	1038
FEDERAL LAWS		
Masseurs and masseuses, qualification for registration; violation of	1953	507
State statute, incorporation in by reference	1935	759
Federal military reservations See: MILITARY RESERVATIONS		
Federal minimum wage law; board of control; employees; not applicable	1949	325
Federal national mortgage association; securities; issuance; exemptions	1953	525
Federal navigation districts; taxation, exemption	1949	215 216
FEDERAL PROJECTS		
Florida rate; no conflict in wage scale; laborers and mechanics; board of control	1949	281
Water survey and research; Biscayne Bay	1949	408
Federal reserve banks See: UNITED STATES		
Federal revenue act; university of Florida athletic association not exempt	1931	412
FEDERAL SAVINGS AND LOAN ASSOCIATIONS		
Certificates to be taxed as Class "A"	1939	467
Deposits, assessment of	1955	44
Drainage district reserve funds; investment	1955	553
Guardians, curators, executors, etc., deposits by; eligibility as permitted by law	1957	45
Industrial schools, funds of inmates; investment in; authorized	1959	467
Intangible personal property tax, liable for	1939	468
Investment certificates, deposit, acceptance by state insurance commissioner	1941	713
Municipal occupational taxes; liability	1957	933
Stock, purchase of by; payment with mortgages held by it; legality	1933	530
Federal social security See: SOCIAL SECURITY		
Federal withholding tax; municipalities; employees subject to	1949	19
FEED		
Bills paid to sheriff by clerks circuit court at preferred claim, authorized	1929	306
Mills; corn purchased; standard weights and measures	1949	483
Standard fixed	1921	214
FEED STUFFS		
See also: COMMERCIAL FEEDING STUFFS		
Rules and regulations, certain not enforceable	1931	345

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
FEES			FELONIES (cont.)		
See also: Specific head or specific officers			Worthless checks, prosecution	1941	760
Appearance bonds; approval	1947	163	FELONS		
Arresting officers	1947	163	Alcoholic beverages, licensed		
Mileage	1941	35	place of business; employment	1955	777
Bonds, refunding	1941	21	Felony conviction, pending appeal		
Brokers, license	1923	135	from such conviction; eligibility		
Christian Science practitioners; services; workmen's compensation law	1949	440	as elector or candidate for office	1959	510
Construction of law	1931	489	Municipal police officer, civil rights not restored; care or owner of pistol; legality	1959	762
County judges and justices of the peace, when house bill 763 applies	1927	360	Pardon, full and unconditional; license to sell or distribute alcoholic beverages; eligibility	1959	235
Declarations of trust, to pay Defendant, when not liable for	1923	96	Probationers or parolees under supervision of commission; not relieved of registration requirement	1957	267
Employees forest service and civilian conservation corps required to pay for drivers' license	1939	487	Race track, employees; continued employment, prohibited	1953	536
Filing, basis for	1923	95	Special census for certain county; application of former act relating to registration	1955	270
Filing fees See also: ELECTIONS			FENCES		
Gasoline concession at municipal airport, on gallonage basis, lease	1947	273	Construction	1923	199
Imposed by court to whom paid	1927	389	County roads; cattle guards at entrance and exit of enclosure	1949	574
Investigations; amount; manner of payment	1949	44	Elections; livestock; fencing by owners; Nassau county	1949	507
Local registrar not state officer, may accept	1939	307	Hogs roaming at large; Flagler county	1949	508
Marginal satisfactions	1941	19	Legal fence, definition; posting lands	1945	649
Municipal tax certificates, recording redemption	1937	44	Livestock; county sheriff; transportation cost	1949	505
Nuisance, institution of action to abate by private citizen	1941	20			506
Preliminary hearings	1949	54	Malicious destruction; penalty	1905	139
Prisoner, commitment of to jail	1947	39	Removal, remedy against	1933	603
Sheriffs for executing jury venire and summoning jurors, interpretation of law allowing	1929	294	Sheriffs; county commissioners; enforcement duties; livestock roaming on highways	1949	505
Suits involving claims, amount to be charged	1937	45	Fermented malt liquors, manufacture in wet counties lawful See: ALCOHOLIC BEVERAGES AND LIQUORS		
Supervising architect; hotel commission; excess fees; claim	1949	473	Fernandina Beach, city of; state park within limits of; policing by municipal officers, authority	1959	665
Taxable costs when going out of state	1917	468	Fernandina, city of; Fernandina Beach, town of; consolidation; taxation; collection of delinquent taxes; back assessments	1951	266
FELONIES			Fernandina port authority; license tax; toll bridges	1949	270
See also: CRIMINAL PROCEDURE			FERRIES		
Board of county commissioners, authority to suspend member for commission of felony	1939	39	Board county commissioners not authorized to pay expense of operating when outside of county	1939	37
Conviction			Liability insurance for operation of Ministers and clergymen, exemption	1937	162
Civil rights				1935	754
Loss and restoration	1941	784	Taxable suits	1933	146
Restoration; pardon board	1951	101	Traffic violations; road department; highway patrol, jurisdiction	1953	408
Civil service board, morals charge	1949	464	FERTILIZERS		
Elector's qualifications; civil rights, restoration	1951	203	Admissibility of analysis by state chemist's certificate in evidence	1913	144
Foreign state, civil rights restoration	1951	785	Agents in state, file names of	1917	318
Method	1953	71	Analysts	1935	717
Insurance agent, application for license; eligibility	1951	652	Bulk stock	1933	564
Delinquent boy, committed by; conviction before committing to reform school	1949	430	Certificate to sell, application for	1919	229
Federal felony, defined	1955	30	Check analysis	1923	149
Prerequisites for charges; conviction in municipal court	1955	937	Commissioner of agriculture; labeling	1949	504
Professional licenses revoked, reinstatement before civil rights restored	1951	575	Deficiency; penalties	1949	503
Second offender, prerequisite for; charges	1957	40			

Subject	Year	Page
FERTILIZERS (cont.)		
Fees		
Collected, distribution of	1935	782
Shipments in interstate commerce	1937	271
Inspection, sample	1921	212
Inspectors		
Noncommissioned, drawing of samples by; legality	1939	327
Payment of expenses, approval of vouchers	1919	235
Labeling; analysis	1949	504
Manufacturer		
Agents; license tax	1929	347
Definition	1937	271
Name of required on tag	1937	270
State operation; occupational license tax, requirement	1904	49
Packages, may be sold in any size	1925	236
Penalty for failure to comply with law, collecting	1919	234
Phosphates sold as fertilizer, subject to registration and inspection fee	1915	199
Price lists, regulation	1921	216
Registration		
Price as affecting	1917	329
		349
Weight of package	1923	152
Samples		
Drawn from shipments when interstate character lost; state officers, authority	1931	340
Necessary	1923	151
Standard, method of determining, application of statute	1931	428
Tags		
Certificate of state chemist, forms	1935	717
Statement	1923	145
Tests to be made within certain time	1923	145
Violations of law re, by manufacturers; penalty	1905	166
Fiber board factory; tax exemption, interpretation of law	1937	521
FICTITIOUS NAME LAW		
Apartment houses, corporations; registration requirements	1951	756
Assignment or cancellation after registration	1941	766
Corporations operating under other name; requirement	1949	588
Funeral		
Directors and embalmers; partnerships; proper names	1949	457
Parlor owner; registration	1945	581
Interpretation	1941	765
		766
		767
Limited partnerships, exemption of	1945	735
Partnership name; registration	1945	735
	1949	588
Foreign	1951	754
		755
Person conducting business under; suits, maintenance	1957	342
Registration; cancellation	1943	493
Tax deeds, application under; tax sale certificates, purchase under	1951	755
FIDUCIARIES		
Corporate liquidation; form of notice to claimants	1945	156

Subject	Year	Page
FIDUCIARIES (cont.)		
Funds		
Investment in federal land bank bonds and national mortgage association securities authorized	1939	18
Unclaimed funds paid into registry of court; withdrawal, compensation of clerk	1959	523
Filing fees See: ELECTIONS		
Filing statement of campaign expenses See: ELECTIONS		
Filled-in lands See: SUBMERGED LANDS; RIPARIAN OWNERS OR RIGHTS		
FILLING STATIONS		
Chain store act, not subject to	1931	859
License tax		
Exempt from certain	1931	706
Five dollars, when required	1931	889
Merchandise, when required to pay additional	1929	208
Final judgment See: SENTENCE AND JUDGMENT		
FINANCIAL RESPONSIBILITY LAW		
Accident		
Evidence; admissibility	1955	649
Guest passenger; liability of owner	1957	44
Judgment rendered as result, driving and registration privileges suspended	1957	893
Out-of-state vehicle		
Insurance coverage; application of state law	1955	521
Nonresident owner; suspension of registration and license plate; authority	1955	521
Suspended items, surrender by municipal officer to commissioner; authority	1955	521
Private property, upon; application of law	1955	401
Propriety of "covenant not to sue" in lieu of "release of liability"	1955	83
Third vehicle involved; liability	1955	401
Bankruptcy, discharge in; effect	1959	311
Claim adjusters for self insurers; person other than attorney; license	1957	347
Conditional release in lieu absolute release; acceptable within meaning of law	1955	401
County employees		
Insurance paid from public funds, not authorized	1949	173
Operation of county vehicles; liability	1949	173
County truck, liability of operator	1955	394
Court of competent jurisdiction, meaning as used in law	1955	358
Drivers' licenses		
Revocation; government employees	1949	378
Suspension		
Failure to deliver to insurance commissioner; prosecution	1949	374
Insurance commissioner, authority	1951	487
Juveniles	1951	487
Motor vehicle tag illegally purchased during suspension period; prosecution	1957	583
Surrender of driver's license; authority	1957	508

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
FINANCIAL RESPONSIBILITY LAW (cont.)			FINES AND PENALTIES (cont.)		
Drivers' licenses (cont.)			Bonds covering, must be paid	1927	379
Suspension (cont.)			Commercial fertilizers; waiver of deficiency	1949	503
Unlawful to drive	1949	368	Constables, collection by; without authority	1953	716
Unlimited and limited; construction of law	1957	375	Court martial, disposition of fines imposed	1913	103
Driving and registration privileges suspended; construction of law	1957	565	Court not authorized to impose less than minimum	1929	278
Insurance policy issued by nonadmitted insurer; effect	1949	746	Drug act, violations	1933	437
Judgment		373	Duty of officer collecting	1919	260
Damages arising from accidents; construction of §324.121(1), F. S.	1959	660	Execution issued by clerk when not paid	1933	486
Holder, satisfaction by, from securities deposited with insurance commissioner	1955	814	Fine and forfeiture fund		
Juveniles, application to	1951	487	Deposit	1921	340
Liability; release	1949	375	Transfer to school fund	1909	49
Minimum sentence, fine imposed less than; authority	1955	733	Five days allowed in which to pay in justice courts	1915	271
Motor vehicles			Forfeiture of gun in possession of person charged with crime at time of commission; county judge, authority	1955	546
Affidavit for use in sale; proposed form	1955	814	Form for an execution for fine and costs when defendant has been sentenced	1957	649
Damages; liability; release	1949	375	Imprisonment; jurisdiction; application of law	1931	584
Government employees; drivers' licenses	1949	376	Method of collecting from person convicted of crime	1929	351
Legally parked or not wholly parked in designated space; responsibility of individual	1957	514	Motor vehicle laws; violations; arrests made by sheriff	1933	63
Multiple vehicle ownership; partial coverage; registration suspension	1955	401	Nepotism law, violations; penalty	1933	571
Negligence of operators in relation to application of law; "legally parked" defined	1955	282	Prisoners		
Owner of two or more vehicles; one involved in accident; liability policy; suspended registration	1957	508	Concurrent sentences; payment	1955	93
Public safety, department of; driving privilege suspended; surrender of driver's license for transmittal; authority	1957	508	Gain time; computation	1951	788
Securities, right of owner to deposit with state treasurer prior to suspension of registration	1955	358	School fund, not placed to credit	1913	184
Self-insurer, county qualifying as; prohibited by law	1957	917	Sheriff authorized to collect when imposed by county judge	1927	390
Warrant issued by justice of peace; service by constable	1955	712	State attorney, information filed	1931	394
FINE AND FORFEITURE FUND			State board of pardons only has power to commute	1923	213
Bribes, money paid; not subject to	1953	655	Territory closed for hunting violations; penalty	1933	496
Costs, certain to be paid	1927	297	FINGERPRINTING		
Elisor raid arrests; no sheriff's fees	1949	43	Alcoholic beverage establishment; fingerprinting owners and employees; ordinance requiring; powers	1959	119
Transfer	1907	197	Experts, compensation as witness; allowable	1949	61
Certain funds unlawful	1927	288	Method	1931	798
Warrants may draw interest	1915	236	Persons charged with misdemeanor	1955	139
Weapons, sales of forfeited; proceeds paid	1905	194	Prisoners	1935	702
Witness fees criminal court of record to be paid	1937	129	Fingerwaving; registered barber may practice	1939	229
Fines and costs See: BONDS; COSTS			Fire and casualty insurance See: INSURANCE		
FINES AND PENALTIES			FIRE CONTROL		
Absent defendant; enforcement	1943	499	Forestry board, under agreement with county; method of payment by county	1955	449
Arresting officer, acceptance	1945	743	Special election not authorized for referendum on countywide fire control	1939	116
Auto license tag violations; governor without authority to suspend	1933	67	Tax, not authorized to levy for	1933	144
Bail bond for alternate fines after service of part of jail sentence; return date	1953	707	FIRE CONTROL DISTRICTS		
			Anna Maria Island; establishment	1949	212
			Appropriation under ch. 20973; effect of ch. 22000	1943	302
			Commissioner; term of office of appointee	1947	127
			Everglades fire control district; purchase of tractor on installments	1949	338

Subject	Year	Page	Subject	Year	Page
FIRE CONTROL DISTRICTS (cont.)			FIREARMS AND WEAPONS (cont.)		
Homestead property; levy; assessments, special benefits	1949	286	Deputy sheriff; justice of peace; authority to carry	1949	570
Officers and employees of; retirement system, eligibility for	1957	803	Discharge on public highways; unlawful	1957	63
Fire control units; county elections for establishment, etc.	1937	136	Evidence filed in criminal case; disposition	1947	33
FIRE ESCAPES			Forfeiture and sale		
Authorized by law	1913	264	Proceeds, disposition	1905	194
Regulation	1913	163	Sheriff, by, after conviction	1941	759
Fire extinguishers; buses, schools, hotels, and restaurants to be equipped	1937	618	Game and fresh water fish commission		
Fire fighting equipment; purchase, bids	1951	226	Prohibited areas	1949	406
Fire insurance fund, state See: INSURANCE			Rules; penalties for violation	1945	734
FIRE MARSHAL, STATE			Game law violations; forfeiture of certain weapons and arms permitted	1959	749
Arson, prosecution, predicate for charge	1941	759	Hunting on Sunday	1949	587
County jails; jurisdiction with respect to fire hazards	1947	547	Ice pick, defined	1951	722
Explosives; possessor's license	1943	439	License to carry		
Liquefied petroleum gas See also: LIQUEFIED PETROLEUM GAS			Concealment not authorized	1913	246
Definition	1947	486	County commissioners authorized to issue	1923	242
Fee, refund; licensee no longer engaged in business; authority	1957	564	Motor vehicles, carrying in	1927	368
License to vendee, transfer; authority	1957	564		1933	628
Municipalities engaged in business; operation falls within laws re sale of liquid fuel	1957	259		1935	751
Out-of-state dealers; construction of statutes	1957	328	Protection while traveling; legality	1957	364
Regulations regarding	1945	689	Municipal police officer, felon; civil rights not restored; care or ownership of pistol; legality	1959	762
	1955	586	National forests, carrying in; effect of A4 S30	1959	348
Powers and duties	1941	727	Permit for carrying	1905	209
		735	Issuance by county commissioners	1951	722
Tanks and cylinders owned by L. P. dealers; unauthorized disconnection; powers of	1957	756	License required for separate counties	1959	425
Theatres, authority to close	1945	690	Sheriffs, exempt	1931	636
FIRE PREVENTION CODE			Pistol		
Fire chief of municipalities, enforcement of code, authority	1959	392	Carrying without permit; forfeiture	1945	733
Municipalities, effect within boundaries of	1959	392	License not required for carrying in motor vehicle	1931	570
Sheriffs and constables, enforcement of code, authority	1959	392	Permit; authority of county commissioners to grant	1931	851
Fire wardens; warrants, arrests without	1941	706	Pocket knife, defined	1951	722
FIREARMS AND WEAPONS			Repeating rifles, license valid throughout the state	1921	340
Adjutant general, sale by			Sheriff not authorized to confiscate when found in residence	1929	349
Obsolete weapons	1947	586	Sunday use; legality	1943	492
Proceeds, disposition	1949	571	Unlawful; confiscation by sheriff	1915	254
Carrying after dark in certain areas	1943	328	FIREMEN		
Common carriers, when agents or officers authorized to carry	1931	817	Auxiliary; injury or death; compensation	1943	287
Concealed			Red lights, use on privately owned vehicles; no authority	1957	293
Carrying			Volunteer firemen; flashing red lights on private vehicles, use	1957	351
Conviction for; forfeiture	1949	572	Firemen's association, Florida state; insurance; members; widows; benefit fund; charter provisions	1949	519
Prohibited	1951	722	Firemen's relief and pension fund See: MUNICIPALITIES		
Confiscation, return	1935	790	Fires; board of forestry; powers, duties; enforcement of law prohibiting setting	1949	510
Disposition when taken in justice peace courts	1915	254	First aid stations; state defense council, liability for treatment	1941	341
License	1913	246	First primary See: ELECTIONS		
	1921	272			
Search and seizure	1935	752			
Confiscation, disposition	1905	199			
Police officials, by	1959	544			
Constables; official duty; traveling; carrying lawful	1949	572			

Subject	Year	Page	Subject	Year	Page
FISH AND FISHING			FISH AND FISHING (cont.)		
See also: ALIENS; CONSERVATION; GAME AND FRESH WATER FISH COMMISSION; FRESH WATER FISH AND GAME LAW; NETS, SEINES, ETC.; SALT WATER FISHERIES			Dealers (cont.)		
Agents; power to make arrests; fees allowed for convictions	1949	398	Licenses (cont.)		
Aliens employed by citizens	1917	322	City	1927	440
Appropriation for planting and reha- bilitating natural reefs or beds; continuing appropriation	1933	502	Construction of \$7, chapter 10123	1927	284
Biscayne Bay, fishing with nets, law regulating	1904	76	Fresh water; requirements	1929	275
Black bass			Net fishermen, own catch; not required	1949	410
Closed season	1937	345	Payment, when necessary	1925	282
Lake Okeechobee, applicability to	1939	539	Receiving depots, not re- quired to pay	1933	26
Regulation	1941	483	Requirement	1931	430
St. Johns river	1943	328		1937	567
Restaurant serving	1935	661		1955	210
Sale or shipment	1935	660	Restaurant, not required to have	1949	401
Board of conservation; regulations; powers	1949	409	Retail and wholesale	1929	414
Boats				1955	284
License tax			Differentiated	1931	389
Crawfish, transportation from			Requirements	1931	393
Bahamas	1935	665			768
Fractional, not liable	1937	571	Special license required under §32, chapter 11838	1929	275
Lake Okeechobee	1945	514	State and county tax; lia- bility	1923	264
Not liable	1937	572	Truck owner, if subject to two taxes	1931	373
Required to pay	1939	493	Wholesale		
Motor or; used in illegal fishing; seizure and forfeiture	1947	405	Definition	1945	516
Breeding grounds	1927	263			517
Cast nets			Eligibility for	1947	408
Confiscation; Clay county	1949	406	Package, permit number	1931	870
Use of, prohibited unless in en- closed pit or for catching bait	1933	504	Diving bell, taking fish by use of, prohibited	1949	412
Citrus county, regulation	1941	485	Dry Tortugas within Florida state boundary; shrimp grounds; juris- diction	1949	413
Classification	1933	501	Dynamiting; nature of crime; juris- diction	1945	508
Commercial fisheries association; contribution by county com- missioners	1947	148	Fish		
Commercial; gasoline tax refund, method of making	1953	291	Catching	1915	189
Commission; agents' authority; exe- cution of warrants and subpoenas	1949	399	Certain devices	1907	210
Conservation board not authorized to shorten or change term of statute of closed season	1939	287	Closed season, illegal to store, process or ship during	1933	505
Conservation department			Illegally possessed		
Officer accepting appointment as United States deputy, game warden	1935	667	Confiscation	1941	495
Powers of agents	1935	663	Search and seizure without warrant, disposition	1941	495
Transfer of funds to game and fresh water fish department	1935	660	Law, local; county judge not au- thorized to declare unconsti- tutional	1931	571
Construction of law	1927	287	Peddling, authority	1917	462
Co-partnership, fishing	1935	656	Ponds, control	1943	329
County judge, fees charged	1927	358	Rules and regulations; authority	1949	397
County lines govern in certain cases	1925	285	Sale during closed season	1927	349
Crabbing, fish license required	1933	28	Fresh and salt waters		
Crabs, horseshow, law regulating catching or disposition	1933	504	Defined	1935	651
Crawfish			Lines of demarcation	1943	327
Closed season	1943	333	Fresh water fish; construction of law	1931	430
Shipments from foreign coun- tries	1935	664	Game		
Dealers			Preserve; lands; breeding ground; without owner's consent un- lawful	1949	405
Crabs and shrimp	1917	309	Wardens; power to search with- out search warrant	1947	405
Licenses	1927	286	Game and fresh water fish com- mission		
	1933	17	See also: GAME AND FRESH WATER FISH		
Aliens, boat license	1935	656	Cast nets; confiscation	1949	406
			Fishing license	1949	404

Subject	Year	Page
FISH AND FISHING (cont.)		
Game and fresh water fish commis-		
sion (cont.)		
Property seized; disposition	1949	402
Rules and regulations	1949	397
Wildlife code, rule 5, gun pro-		
hibited areas	1949	406
Gig or spear fishing		
Board of conservation; control	1949	409
Lee county; commercial pur-		
poses only; unlawful	1949	408
Haul seines and drag nets		
Defined	1917	317
Not defined	1919	252
Prohibition in certain areas	1945	510
Hillsborough, Manatee, and Pinellas		
counties, closed season in, gov-		
erned by general law and not		
special law	1933	503
Homosassa river, use of nets un-		
lawful	1939	393
Hook and line fishing; license tax,		
not subject to	1915	247
Illegal possession	1927	350
Lake Istokpoga, authority to regu-		
late	1939	330
Lake Okeechobee		
St. Johns river, chapter 17012		
of 1935 construed	1935	641
Salt water fish law	1941	498
Lakes		
Authority to fish in certain	1917	103
Catch from	1917	91
Licenses		
Ad valorem tax, different from	1919	256
Aliens	1917	326
Boats		
Free boats when parking fee		
paid; requirements	1949	404
Operating outside territorial		
waters	1941	496
Requirement	1917	307
	1919	249
Certain tax required	1925	282
Collection	1915	161
County judge; fees	1927	358
County or city, not required of	1917	162
Disposition	1925	327
Effect of chapter 11838	1927	283
Foreign boats liable	1937	570
Fresh water		
Fishing; when not required	1933	28
Minnows; for selling	1935	655
Hillsborough county; extra \$1	1949	56
Hook and line fishing; when not		
subject to	1917	384
Hunting; persons convicted; de-		
nied or forfeited	1949	401
Members forestry camp, when		
required to pay	1933	17
Minnows; fresh water	1935	655
Nonresidents	1909	43
	1919	247
	1925	283
		349
Aliens, and; law as to license		
required	1919	253
Children; exemptions	1951	508
Fish bought in Florida; sales		
in Georgia	1949	407
Fishing boats	1947	400
Fishing with hook and line	1917	385
Out-of-state agents, issuance	1947	404

Subject	Year	Page
FISH AND FISHING (cont.)		
Licenses (cont.)		
Peddlers liable	1937	568
Persons in military training		
camps eligible to acquire		
"resident" license	1939	500
Refund	1919	257
Rented boats; requirements where		
car parking charge made	1949	404
Requirements	1937	567
Poles	1949	404
Residence requirements	1953	432
"Residents," definition	1931	565
Seafood dealers; definition	1941	501
Sponge fishing	1919	255
Sport fishing; Lake Okeechobee	1941	502
Sub-agents' bond premium; cost		
not allowed as expense of		
county judge's office	1959	232
Violations; penalty	1949	403
World war veterans, when ex-		
empt from payment	1931	389
Local laws; effect of in conflict		
with general laws	1917	383
Minnows		
Brought into state, sale for fish		
bait; nonresident fish dealer's		
license; requirements	1959	365
Fresh water; license for selling	1935	655
Mullet		
Closed season		
Board of conservation, au-		
thority of to open	1945	512
Caught in another state, ap-		
plicability	1947	408
Escambia county, general law		
applicable	1919	251
Regulation	1941	505
Seizure	1943	337
Shipping, 11:00 p. m. De-		
cember 6, including five		
days grace	1933	504
Used for bait only; regula-		
tions	1949	409
Disposition of proceeds from		
seizure and sale	1945	517
Okaloosa county, chapter 14511,		
acts 1929; chapter 10123, acts		
1925, other counties	1933	505
Seining, no authority to permit	1929	276
Selling during closed season	1919	105
Nets		
Legal type to be used for shad		
and herring	1917	311
Use of in certain waters; construc-		
tion of law	1931	518
Persons using hook and line and		
boats	1917	145
Phosphate pits		
Jurisdiction	1943	330
Game and fresh water fish		
commission	1947	402
Purse-seines; use	1941	497
Rabbits; hunting at night; permits	1949	399
Resident may catch in home coun-		
ty without license	1937	567
Salt water fish		
See also: SALT WATER FISHERIES;		
CONSERVATION, STATE BOARD		
OF		
Aliens or nonresidents, when		
liable for salt water license	1937	572
Board of conservation; authority		
to limit size	1949	408

Subject	Year	Page	Subject	Year	Page
FISH AND FISHING (cont.)			FISH AND FISHING (cont.)		
Salt water fish (cont.)			Wildlife		
Brought into Florida for processing and shipment	1943	333	Code; prohibited areas; gun unlawful	1949	406
Construction of laws	1937	291	Officer; investigator; funds authorized	1949	404
		292			
Force trap nets used in fisheries	1943	335	FISH AND GAME		
Freezing plant, possession and sale in during closed season	1935	666	Club; caretaker's salary; payment by tax funds illegal	1949	170
License required	1937	572	Construction of law	1927	259
Peddlers required to pay wholesale and retail license	1937	569			350
St. Johns county; waters and bays; taking regulated	1949	411	Interpretation of law as to particular situation	1927	455
Seizure of fish; nets and boats	1937	293	License required of dealers or buyers of green and dried furs	1927	262
Shrimp, importing by local factory	1935	667	Warden; appointment by governor; duty	1905	169
Validity of law	1939	288	FISH HATCHERY		
Salt waters See: SALT WATER FISHERIES			Commercial sales; gasoline tax refund; eligibility	1957	35
Search and seizure contraband	1937	346	Reconveyance of land deeded to state, law construed as to	1929	186
Seines			Fish industry; cities and towns prohibited from levying tax	1931	390
Length of, and size of mesh	1917	315	Fish law, local See: FISH AND FISHING		
Use of	1909	71	Fish ponds; definition	1927	261
Seizures			Fishing See: FISH AND FISHING		
Game and fresh water fish commission; property; disposition	1949	402	Fishing licenses See: FISH AND FISHING		
Shad; sale of from northern waters during closed season	1935	663	FIVE FUNDS ACT		
Shell fish			Administration; operative date	1945	101
Commissioner			Chiropody examiners; operating expenses, compensation	1947	454
Jurisdiction of in certain waters	1927	285	Council for the blind; donations, etc.	1947	435
Statute authorizing search and seizure without warrant not applicable to county sheriff	1933	499	Dairy fund, industrial school for girls; application	1945	766
Fund; payable from expense	1923	166	Deposit of funds in state treasury	1945	573
Privilege tax to be set aside as planting fund	1937	588	Board of naturopathic examiners	1945	455
Resident alien, by	1917	324	Library board		
Shrimp, closed season; Franklin county	1949	412	Effect upon auxiliary funds of state colleges	1945	361
Smoked fish; merchants; retail seafood dealers' license required	1949	410	Effective date; funds of board of medical examiners	1945	101
Spear fishing equipment; confiscated or forfeited in cases of arrest and conviction	1955	844	Expenditures of board of examiners for nurses; effect	1945	576
Speckled trout; definition; closed season	1947	406	Royal Palm state park; disbursement of appropriations	1945	455
Sponges, authority to take	1917	320	Ship canal authority; applicability	1945	362
Stop nets used in creeks and streams unlawful	1937	295	State agencies and funds within purview	1945	363
Sunday fishing	1917	128	FLAG		
Tideland decision; United States supreme court; sponge fishing industry	1949	410	Destruction where unserviceable	1959	437
Transportation into state not prohibited	1933	501	Public schools; salute allegiance	1943	256
Traps, use of in Orange county	1919	294	FLAGLER COUNTY		
Trout, closed season, sale when frozen	1935	655	Civil defense director, service as deputy sheriff; eligibility	1951	210
Trout season, regulation	1941	508	Hogs roaming at large; fencing laws; enforcement	1949	508
Water bottoms, leasing of			Registrations; qualifications; biennial school district election	1949	313
Board of conservation has exclusive power over	1933	499	St. Johns county, debt of; assumption	1941	460
Validity of application for, pending at time of passage of law	1933	500			461
Water survey and research; federal projects; Biscayne Bay	1949	408	Tax assessor, service as deputy sheriff; eligibility	1951	210
Waters of state, jurisdiction over	1917	315	Flavor straws; impregnated with saccharin; sale without prescription; legality	1957	21
Welaka game and fish hatchery	1935	657	Flavoring extracts; sale of, when unlawful	1931	999
	1937	348	FLOOD CONTROL DISTRICTS		
Wholesale live bait, dealer in; license, residence requirement	1957	790	See also: DRAINAGE DISTRICTS		

Subject	Year	Page
FLOOD CONTROL DISTRICTS (cont.)		
Appropriation; expendable only in cooperation with federal projects	1951	517
Central and southern		
Assessment; taxing officials; compensation	1949	229
Funds, investment; federal savings and loan association shares	1953	446
Funds, use	1951	517
Floral crops; saran polyethylene cloth, poles, etc., purchase or use for; sales tax, liability	1957	67
Florida See: Specific subject headings		
Florida A & M university See: STATE UNIVERSITIES		
FLORIDA COOPERATIVE COLONY		
Business plan	1919	239
Declaration of trust, provisions of	1919	246
FLORIDA DEFENSE FORCE		
Jury duty, exemption	1941	685
Pugilistic exhibitions, sponsoring	1941	685
FLORIDA DEVELOPMENT CREDIT CORPORATION		
Corporate charter, filing with secretary of state	1955	569
Powers, duties, rights, etc.; construction of law	1955	569
FLORIDA EDUCATION ASSOCIATION		
Building ad valorem tax exemption	1955	787
Expenses, payment from county school funds	1941	245
Florida emergency relief association; fish processing plant, transfer	1935	773
Florida guide; copyright royalties; disposition	1943	265
FLORIDA INDUSTRIAL COMMISSION		
See: INDUSTRIAL COMMISSION, FLORIDA		
Unemployment compensation division See: UNEMPLOYMENT COMPENSATION LAW		
Workmen's compensation division See: WORKMEN'S COMPENSATION LAW		
FLORIDA INLAND NAVIGATION DISTRICT		
Assessments as charges on Murphy act lands; validity	1953	215
Lands not exempt from taxation	1933	95
FLORIDA INSTITUTIONS		
Florida Farm Colony for Epileptic and Feeble-minded See: FARM COLONY FOR EPILEPTIC AND FEEBLEMINDED		
Florida Industrial School for Boys See: INDUSTRIAL SCHOOL FOR BOYS		
Florida Industrial School for Girls See: INDUSTRIAL SCHOOL FOR GIRLS		
Florida School for the Deaf and Blind See: SCHOOLS		
Florida State Hospital See: FLORIDA STATE HOSPITAL		
State Tuberculosis Sanatorium See: TUBERCULOSIS SANATORIUM		
FLORIDA KEYS AQUEDUCT COMMISSION		
Bond of members	1941	94
State retirement system; employees eligible	1949	168
Florida league of municipalities; social security coverage, eligibility	1955	156

Subject	Year	Page
Florida power corporation; employees retirement fund, foreign trustees; interest of beneficiaries; tax situs	1957	263
Florida school for girls at Forest Hill; superintendent; appointment of man; legality	1957	421
Florida state college for women See: STATE UNIVERSITIES		
Florida state firemen's association; insurance; members; widows; benefit fund; charter provisions	1949	519
Florida state guard See: GUARD, FLORIDA STATE; MILITARY FORCES; NATIONAL GUARD		
FLORIDA STATE HOSPITAL		
Admittance		
Nonresident	1945	538
Alien	1943	359
		360
		363
	1945	531
Ineligible for hospitalization	1939	386
		389
Residence requirement	1947	423
		424
Resident alien; eligibility	1949	421
	1947	422
		424
Appropriation for two ward buildings; use for construction of one building	1947	368
Arcadia branch; acceptance of Dorr and Carlstrom fields from federal government	1947	426
Autopsies on dead bodies	1935	770
Biennial reports to governor	1935	777
Board of commissioners		
Duties under workmen's compensation act	1937	328
Secretary; authority to execute lease of personal property	1943	363
State institutions; reciprocal agreement; incompetents; exchange	1949	422
Brick plant, cost of; funds from which payable	1945	766
Buildings; permanent names	1945	438
Claims under agricultural adjustment act	1935	792
Commitment		
Acute alcoholism	1943	360
Alien	1943	359
		360
		363
Internees	1943	363
Change from "pay" to "indigent" status	1945	534
Criminal court of record order	1935	764
General	1919	122
Insane persons; residence requirements	1949	421
		423
Insane prisoner, statutory requirements	1941	532
Maritime trainees	1943	361
Nonresident wife of Florida resident	1945	532
Nonresidents	1943	365
Definition of resident	1945	535
Person under fifteen years of age	1947	428
Residence requirement	1935	770
	1947	423
		424

<u>Subject</u>	<u>Year</u>	<u>Page</u>
FLORIDA STATE HOSPITAL (cont.)		
Commitment (cont.)		
Resident alien; eligibility	1947	424
Trainees of military force	1943	364
Conviction and sentence of person previously adjudged insane	1947	425
Dentistry, person cannot practice without license	1931	435
Domicile of insane wife same as husband	1939	543
Employees		
Killed by lightning, not liable when	1939	386
Military leave of absence	1941	108
		109
Witness fees, payment of to not prohibited	1937	343
Employment of minors; married females	1943	395
Fees of sheriff for apprehending escaped and furloughed patients	1935	777
Funds		
Board of commissioners; authority to expend moneys	1943	359
Patients		
Produce, etc.	1943	171
Sale of produce, etc.; security; state treasurer	1943	171
Funeral		
Expenses; recovery from patient's estate	1945	533
Home, license to operate	1941	532
Guardianship of released patient	1945	727
Incompetents; custody pending delivery	1945	537
Patients; change from "indigent" to "pay" status	1945	535
Release of criminal; consent of committing court	1945	747
Sheriff's fee for detaining furloughed patient	1945	117
Transportation of destitute patients; payment of expenses	1945	126
Incompetency		
County judges; adjudication; power	1949	424
Examining committees; compensation allowed	1949	422
Inmates		
Charged with crime, transportation	1941	538
Costs of maintenance, recovery	1941	539
Fingerprinting and photographing	1941	534
Guardians		
Appointment	1935	813
County judge, by	1941	533
Transportation	1941	537
Insane woman; name and residence unknown; eligible commitment as "Jane Doe"	1949	421
Maintenance fee required under certain conditions	1923	123
Medical staff; members subject to suit; malpractice	1949	422
Military service; connected disabilities	1943	364
Option from United States on certain lands; sufficiency in form	1947	426
Patients		
Criminally insane; temporary transfer allowed to state prison	1949	423
Custody and control	1943	362

<u>Subject</u>	<u>Year</u>	<u>Page</u>
FLORIDA STATE HOSPITAL (cont.)		
Patients (cont.)		
Delivery of by sheriff; costs	1947	45
Discharge	1935	771
Transfer of		
Out-of-state	1935	766
	1947	423
Payment	1921	81
Transit permits for deceased	1935	585
Police officers	1935	765
Carrying arms and making arrests	1935	767
Re-commitment of persons after discharge	1935	765
Sale of timber; exclusion of pulpwood	1947	369
Sheriff allowed mileage for transporting persons	1929	290
State not liable to New York state for care and treatment of insane prisoner	1939	544
Town of River Junction, contract with for water supply	1935	778
Transportation; insane prisoners	1943	363
Florida state universities See:		
STATE UNIVERSITIES		
FLORIDA STATUTES		
See also: STATUTES		
County commissioners; purchase for justices of peace	1949	172
Distribution of, to certain officers	1935	756
Duty to assume valid until passed upon	1917	142
Free distribution; officers, boards and agencies; 1949	1949	28
Flowers and shrubs See: SHRUBS AND FLOWERS		
Fluoridation system; installation; preservation public health; responsibility, state board of health	1949	414
Food service, public; guest, refusing accommodations or services, authorized, etc.	1959	304
FOODS, DRUGS, AND COSMETICS		
Adulterated or misbranded food, authority to attach	1913	136
Artificial sweetener in food; special dietary use; regulations	1957	567
		568
Benzoate of soda	1911	63
Branding of liquors under pure food law	1909	52
Bread wrapped in package form, weight stated	1915	205
Compound or pure lard defined	1913	126
Contents of package	1911	50
Drugs		
Dangerous, prescription	1941	656
		657
"Homemade" products, definition	1941	654
Nurses' right to dispense	1941	657
Federal act of 1906 not amended by new act	1937	280
Flavor straws; impregnated with saccharin; sale without prescription; legality	1957	21
Flavoring extracts require percentage of alcohol printed on label	1909	76
Florida law does not adopt definitions in federal act	1937	280
Inspectors		
Approving expense account	1917	347

Subject	Year	Page
FOODS, DRUGS, AND COSMETICS (cont.)		
Inspectors (cont.)		
Payment of expenses, approval of vouchers	1919	235
Tender value of samples taken	1913	131
Intravenously, administration by chiropractors	1951	578
Label differing from legend blown in bottle	1917	304
Meat, cold storage; inspection of imports from points without the United States; livestock board, authority	1959	5
"Misbranded" package, net con- tents	1913	127
Near beer, if classed as	1923	154
Non-nutritive artificial sweetener, addition of, to product of food or drink; adulteration	1957	567 568
Oleomargarine		
Coloring; importation; sale	1943	426
School lunchrooms	1943	429
Penalty, collecting for failure to comply with law	1919	234
Percentage of alcohol required on labeled extracts	1909	76
Sale of bread with artificial color- ing, when prohibited	1937	278
Seizure	1923	70
Sheriff's duty to receive seized fruit	1919	138
Traveling expenses, commission- er of agriculture not paid from appropriation	1917	275
Foot and arch specialist; chiropody law, not violation of	1953	490
FOOTBALL		
Contest; newspaper		
Contemplated by; prize award, etc., whether violative of law	1959	309
Whether violative of criminal laws	1951	731
Stadium; license tax, when liable for	1937	572
Fishes purchase; Ochlockonee River and bay, submerged lands under; not within boundary of	1957	818
FORCIBLE ENTRY AND UNLAWFUL DETAINER		
See also: ACTIONS		
County judges; judgment for damages, excess of \$100.00	1949	81
Jurisdiction conferred by consti- tution	1931	761
FORECLOSURE		
See also: CHATTEL MORTGAGES; LIENS; MORTGAGES; EMINENT DOMAIN; TAXATION		
County lands		
Baldwin drainage district; as- sessments	1949	346
County owned; redemption before foreclosure	1949	241
Defective title; reimbursement for improvements	1949	180
Property improvements; sums paid for; refund	1949	241
Right of way and easement reservations	1949	238
Tax foreclosure; land sales; municipal taxes	1949	240

Subject	Year	Page
FORECLOSURE (cont.)		
County lands (cont.)		
Tax sales certificates; individu- ally held; limitations on sharing in proceeds	1949	243
Outstanding tax certificates		
Disposition after county fore- closure	1955	882
Sale of; individual holder's par- ticipation in proceeds after county foreclosure	1957	148
Proceedings	1929	416
Tax certificate law held to be valid	1929	234
Sales		
Certificate title, recording and indexing	1953	636
Proceeds, handling and distribu- tion	1953	636
Suits, effect on intangible tax lien	1941	204
Tax liens, procedure	1935	98
Foreclosure tax certificates See:		
TAXATION		
Foreign banks and trust companies See: BANKS AND TRUST COMPANIES		
Foreign born citizen; poll tax, when just naturalized should pay	1927	399
Foreign company; motor vehicle li- cense, when required to pay	1933	67
Foreign corporations See: CORPORA- TIONS		
Foreign countries; representatives, when exempt from payment of driver's license	1939	484
Foreign divorce See: DIVORCE		
Foreign limited partnerships See: LIMITED PARTNERSHIPS		
Foreign surety companies See: Surety companies under INSURANCE		
Forest and park service See: FORESTRY AND PARKS, BOARD OF		
Forest insect; state plant board; forest insect and disease field, authority and duties	1955	951
Forest service and civilian conservation corps; employees required to pay driver's license fee	1939	487
FORESTRY AND PARKS, BOARD OF		
Agent not authorized to serve court papers in enforcement of law	1939	391
Appropriations	1935	406
	1937	306
	1935	549
Arrests by employees		
Building, partially completed; de- stroyed by fire; state fire insur- ance fund coverage	1947	367 374
Child labor, production and pine seedlings is agricultural labor	1939	303
Community forest law, land for forestry purposes, acquisition by municipality	1941	708
Contracts; deviation from terms as to payments	1945	653
County fire control units; state aid; apportionment	1943	456
Deeds; form of execution	1947	522
Duval county; cooperation	1939	303
Emergency appropriation; use for operating expenses	1947	372
Eminent domain, procedure	1941	74
Employees		
Military leave; thirty days' pay	1945	220
Responsibility for loss of tools and equipment	1943	452

Subject	Year	Page
FORESTRY AND PARKS, BOARD OF (cont.)		
Entry on lands, authority to permit	1945	652
Federal authority, agreement with	1935	549
Fire		
Control units; agreements with		
counties	1945	232
Wardens, arrests without war-		
rants	1941	706
Forest and park service		
Child labor, production seedlings		
is agricultural labor	1939	303
Millage rate, determination of		
by county commissioners	1939	304
Forestry law enforcement officer;		
powers of arrest	1945	652
Funds, depositing in local banks		
and checking against same	1935	552
Gasoline tax, exemption from when		
trucks operated from state and		
federal funds	1935	68
Land purchase; source of payment	1945	653
Legislative research committee;		
payment of expenses	1947	523
Lost tools and equipment; payment		
by employees	1943	452
Members; traveling expenses	1945	651
Millage rate, determination of by		
county commissioners	1939	304
Minors, employment	1941	601
Myakka River state park, use of		
lands restricted by deed of con-		
veyance	1941	706
Powers		
Contracts to feed privately owned		
animals	1945	651
Employment of law enforcement		
officer	1945	652
Increase in payments prescribed		
in agreement	1945	653
Oil and gas leases	1945	651
Permitting city to obtain water		
supply from state park	1945	654
Private lands, overflow; liability	1943	453
Property, authority to acquire	1937	307
Taxation	1935	547
Receipts from sale of products, dis-		
tribution of	1935	548
Roads, etc., construction of across		
tax delinquent lands	1935	546
		547
Sale of lands; disposition of pro-		
ceeds	1943	455
State agency; immunity from suit	1943	453
State forester		
Appropriations; construction of		
law	1931	428
Board not exempt from payment		
gasoline tax	1931	429
Increase in salary	1947	522
Powers and duties	1929	274
State parks, liability for injuries		
to patrons	1941	77
Suwannee county, cooperative		
agreement with board of county		
commissioners of	1941	128
Taxes for school or special tax		
school district bonds; payment	1943	454
Tower sites; condemnation	1941	708
Traveling expenses	1945	651
Trustees L. L. fund not authorized		
dedicate land vested in state		
under Murphy act	1939	424
Valuation of buildings for state fire		
insurance fund coverage	1947	375

Subject	Year	Page
FORESTRY, BOARD OF		
Agents; criminal acts; liability,		
costs, etc.	1949	509
Bid on public contract, withdrawal		
of by bidder; return of deposit;		
without authority	1953	362
Blackwater River state forest; gas		
and oil, lessees' and optionees'		
rights; authority	1951	633
Building permit and restaurant li-		
cense fees	1949	468
Fires		
Control under agreements with		
counties; method of payment		
by county	1955	449
Wardens; setting of fires; juris-		
diction board of forestry	1949	510
Marking; duties of enforcement;		
state livestock sanitary board and		
state hotel commission	1949	505
Oil and gas leases, negotiation of;		
power	1953	568
Property; lawfully acquired for		
historic park	1949	509
Restaurants; erection and operation;		
no liability; building permit and		
license fees	1949	468
Trustees of internal improvement		
fund; disposition of certain lands;		
restrictions	1949	332
Forestry, college of; appropriation;		
use of unexpended balance	1947	351
Forestry department See: FORESTRY,		
BOARD OF		
FORFEITURE		
Moneys confiscated by arresting of-		
ficers in connection with lottery;		
forfeited to state	1959	368
Remittance of forfeiture upon re-		
turn of defendant by bondsmen		
or surety	1959	528
FORGERY		
Disfranchisement; ground for	1923	263
Forged instruments, method of		
prosecution	1929	401
Twelve separate charges; maximum		
sentence	1959	302
FORMS		
Division of corrections; prescribe		
forms of certificates to be used		
by sheriffs; authority	1957	628
Instructions to coroner's jury; un-		
known person; unknown means,		
etc.	1957	732
Uniform commitment to the custody		
of division of corrections; use in		
capital cases; form prescribed	1957	677
FORT LAUDERDALE, CITY OF		
City ordinance superseded by bev-		
erage act	1933	333
Municipal court; warrants of arrest,		
service in foreign counties	1951	265
Murphy act lands; purchase and		
sale	1949	221
Fort Myers, city of; retirement system;		
termination	1951	702
Fort Pierce beach erosion district; board		
of supervisors; members nominated		
at primary election; effect	1951	183
FORTUNE TELLERS		
License tax required	1931	1066
	1955	923
Operation without permit, whether		
violative of licensing laws	1959	370

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
Foundation program fund See: SCHOOLS			Free text books See: SCHOOLS		
FOUNTAIN PENS			Freeholders See: ELECTIONS		
Designed to discharge tear gas	1929	391	Fresh and salt water; dividing line between	1929	277
Status of, when	1931	790	Fresh water fish See: FISH AND FISHING; GAME AND FRESH WATER		
Unlawful to carry			FISH COMMISSION		
FRANCHISES			Fresh water fish and game law; interpretation as to particular situation; section 64	1927	263 455
Tax, authority to	1917	368	Frontons See: GAMBLING; JAI ALAI; RACING		
Water distribution system			FROZEN DESSERTS		
County commissioners			Construction of law	1937	8
Granting of franchise by	1947	139	Homemade products; definition	1941	654
No authority to grant	1949	176	Ice cream, itinerant makers of		
Municipalities, right of, to purchase	1955	711	liable for license	1937	574
FRANKLIN COUNTY			Ice milk; vendor of subject to law	1937	575
Armory, site purchase, title examination	1904	51	License tax, drug stores	1941	661
Constable; appointment	1949	367	Manufacturer, when not liable for license	1937	576
Elections; members; county executive committee	1949	137	Sale of kokanut kreme prohibited	1939	540
Shrimp			Fruit inspection employee; witness fees and mileage, entitled to	1939	89
Closed season; taking	1949	412	FRUIT JUICES		
Legal size	1945	517	See also: CITRUS FRUITS		
Tax collector; increase in compensation; effective date	1947	160	Manufacturers required to pay license	1933	21
FRATERNAL BENEFIT SOCIETIES			Fruits See: CITRUS FRUITS		
See also: INSURANCE			Fruits and vegetables; license tax for selling	1931	765
American Woodmen; tax exemption	1949	547 548	Fuel See: GAS AND OIL; GASOLINE; LIQUEFIED PETROLEUM GAS		
Applicants, medical examinations	1941	738	FUGITIVES		
Assets; transfer of; substitution of securities deposited with insurance commissioner	1945	696	Arrests by sheriffs, when from another state	1939	62
Benefit program for charitable institution prize awards, whether violative of lottery law	1955	479	Extradition		
Certificate in certain form not accepted	1933	469	Foreign country, from; method of procedure	1931	917
Construction of chapter 17947	1937	155	How to procure	1923	241
Deposits with insurance commissioner; release of excess	1945	691	Requisitions		
Funeral benefit plan contrary to chapter 17070	1937	158	Expenses, payment	1905	104
Incorporation, procedure	1941	740	Procedure for return	1905	33
Juvenile scholarship fund; entitled exemption	1949	549	Return of sheriff's expense, payment	1905	104
Laws regulating, and necessity for medical examinations	1937	153	Warrants, issuance by justice of peace; jurisdiction	1955	91
Permit, when authorized	1925	214	Fugitives from justice See: EXTRADITION		
Shows, if liable for taxes when paid under auspices of	1927	202	FUNDS		
Fraternal institutions; real or personal property held in trust for; tax exemption	1957	73	See also: Specific heads		
FRATERNITIES			Aeronautics fund; accrual of moneys held by counties, effect of chapter 59-179	1959	169
Construction of, off-campus lots; under future board of control; requirements	1953	340	Camp Foster, sale of; disposition	1939	220
Taxation			Civil defense, contributions to; purchase of equipment for fire protection; handling of	1957	892
Exemption	1925	184	County See: COUNTY FUNDS		
	1943	195	Disposition of funds derived from sale of state personal property	1957	844
Liability	1925	158 186	Emergency; amount of appropriation; period	1945	462
FRAUD			Engineering services for turnpike authority by state road department, advance payment of; legality	1957	28
Property, obtaining by promise to perform services	1945	732 733	Federal aid		
Public welfare, obtaining public aid from; duties of officers and employees	1951	529	Advance payment; state road department, acceptance	1951	293
School construction contracts, validity	1951	365	Education; acceptance	1947	353
			Veterans' readjustment assistance act; state treasurer official bond relation to	1951	566

Subject	Year	Page
FUNDS (cont.)		
Five funds act See: FIVE FUNDS ACT		
Postal savings; banks; deposits; pledge of assets; security	1947	570
Public funds, construction of, as used in chapter 219	1957	306
Race track See: Race track funds under RACING		
Report; proceeds of certificate of indebtedness or judgments, requirements	1937	105
State See: PUBLIC MONEYS; Specific headings		
State building See also: BUILDING FUND, STATE		
Surveyor, employment; expenditure of certain municipal funds	1953	180
Transfer		
Not authorized	1929	314
Temporary; authorized	1937	205
Unclaimed; paid to state treasurer; corporations liquidating	1949	79
FUNERAL DIRECTORS AND EMBALMERS		
Apprentices		
Military serviceman not entitled to credit unless performing service connected with embalming	1939	306
Registration and renewal fees	1955	499
Autopsies, release of body, no authority to refuse the release of	1955	869
Bureau of vital statistics not authorized to refuse burial or removal permit to nonresident	1939	313
Burial, transit permits		
Destruction	1947	418
Regulations	1941	638
Certificate of incorporation; validity; revocation	1945	582
Corpse, holding of	1923	180
Dead bodies, transportation	1941	510
Director of vital statistics not authorized to instruct local registrars to refuse, accept certificates from or issue burial permits	1939	311
Embalmers' affidavits; disposition	1947	418
Fictitious name law		
Application	1945	581
Partnership using proper names	1949	457
Insurance agent		
Eligibility as	1945	696
Fire and casualty; qualifications and licensing	1951	584
Sick and funeral benefit, eligibility as	1947	556
<u>Insurance business, definition</u>	<u>1941</u>	<u>715</u>
Licenses	1927	434
	1933	23
	1943	411
Board authorized to issue, when	1939	305
Employees, requirements	1949	457
Operating; when act passed	1935	597
Owner of business	1945	581
Renewal	1935	588
Exemption of veterans	1945	584
Required to pay	1929	203
	1931	714
Merchant, when should be designated as undertaker and license required	1931	704
Out-of-state licensee, practicing funeral directing and embalming without state license; prohibited	1957	769

Subject	Year	Page
FUNERAL DIRECTORS AND EMBALMERS (cont.)		
Regulation by state board of health	1935	585
State board examinations; certificates; issuance without required qualifications	1943	411
State health officer may accept additional salary from	1937	254
Transit permits, signing for deceased patients at state hospital	1935	585
Funeral instructions; pre-need burial contracts; inducement to insurance	1957	440
Fur-bearing animals; trapping season	1941	486
FURNITURE DEALERS		
See also: TAXATION; LICENSES AND LICENSE TAXES		
License required for each store	1933	24
FURS AND HIDES		
Dealers		
Construction of statute	1937	621
License tax	1927	262
	1929	276
	1933	19
		27
Disabled veterans; exemption	1929	274
Game and fresh water fish commission; seizure; disposition	1949	402
FUTCH ACT		
See also: ADMINISTRATION, BOARD OF; TAXATION		
Assessments of lands that have escaped taxation and their relation to Futch bill	1933	81
Bonds		
Accept in redemption where tax certificate is not two years old, no authority to	1933	80
		243
Indian River county, authority of board of administration to pay	1941	443
Interest not payable on, taken under	1933	185
Lee county, payment by board of administration when held under	1941	448
Taxes due Broward county port district, acceptance of in payment	1933	83
Expiration of privileges afforded Florida inland navigation district, taxes levied by, not payable under terms of	1933	80
Interest received under, clerk has no authority to transfer	1933	186
Lands omitted from tax rolls, effect of; tax sale certificates, cancellation authorized	1957	635
Municipal property, application to Operation; title purportedly vested in state under Murphy act	1945	274
Pinellas county, authority of board of public instruction to adjust accounts	1945	319
Special tax on local health unit payable in cash when delinquent	1939	22
Tax certificates	1937	500
Cancellation	1945	308
Fees of clerk	1947	199
Timber and turpentine; §§7397 and 7398 not superseded, etc., in re	1933	84
Title formerly in city; application	1945	274

Subject	Year	Page	Subject	Year	Page
GADSDEN COUNTY			GAMBLING (cont.)		
Animals running at large prohibit- ed; local act, 1947	1949	39	Drive-in theatre (cont.)		
Court registry funds; clerk circuit court, commission for handling	1949	37	Free admission, prizes; whether violative	1951	746
Election, local option; use of ballot boxes	1951	630	Patrons participation in certain game entitled "Scunk;" whether violative	1957	640
Justices of peace; no authority trial jurisdiction	1949	65	Evidence filed in criminal case; disposition	1947	33
Gain time See: PRISONERS			Football contest		
Gainesville, city of; university of Florida campus traffic; authority to regulate	1949	326	Newspapers; whether violative	1951	731
Gamble mansion; appropriation	1935	412		1957	372
GAMBLING			Prize award, etc., whether vio- lative of law	1959	309
See also: LOTTERY			Fraternal organization benefit pro- gram, prize awards; whether violative	1955	479
Appreciation day plan, free cou- pons for prizes; whether vio- lative	1951	750	Free game coin devices; legality	1949	580
	1953	672			581
Automobile, free chance; scheme to increase attendance to Tan- gerine Bowl, violation	1953	669			582
Bank deposits; motor vehicle award; whether violative	1955	639	Free merchandise; advertising new grocery store	1949	587
Bank promotional scheme; five line limerick; whether violative	1957	427	Game in the nature of bingo; eligi- bility for license	1947	590
Baseball games; phone call con- test by sponsors during; jackpot award; whether violative	1957	62	Games of chance by lot constitute Grocery store	1937	620
Bingo games			"Profit sharing bonus" scheme, cash awards; whether violative	1959	670
At home; television game pro- gram; prize awards; whether violative	1957	810	Promotions; questions relative to United States history; whether violative	1959	624
"China Clipper" lottery; vio- lation	1949	579	Horse racing, wagers; violations	1955	561
Free prizes; whether violative	1953	668	Indeterminate sentence form; con- viction on two or more lottery counts	1957	457
Hotels; lottery, violations	1951	742	Jigsaw puzzle contest, whether violative	1955	246
Private clubs, prizes awarded; validity	1955	830	Liquors; wheel numbers illegal; lottery	1949	581
Restaurant and liquor; store; lottery; definition	1949	579	"Lottery," advertising and sale of bread containing cash prizes	1941	760
Social pastime; churches and veterans' organizations	1949	583	Merchandise prizes	1949	583
Bookmaking; hotel commission license	1949	470	Basis of skill	1951	743
Census estimate contest; whether violative	1955	414	Free tickets; whether violative	1957	425
Charity shows; names drawn for door prizes	1949	585	Merchants' promotional scheme; prize awards; whether violative	1957	425
Cock fighting; equip with neither sharpened nor artificial spurs; legality	1955	1	Moneys confiscated by arresting of- ficers in connection with lottery; forfeited to state	1959	368
Coin-operated machines			Motor court scheme; whether vio- lative	1957	248
Crimes; legality	1949	580	Municipal gas department; contests; cash prizes; whether violative	1959	625
		581	National magazine, advertises con- test, requires contribution; whether violative of lottery or gambling laws	1955	896
		582	National soap company, sweepstake plan, awarding of prizes; whether violative	1955	376
High score prizes; legality	1951	739	Operating certain machines does not constitute	1929	341
No free games, prizes or re- wards	1949	270	Pin-ball machines		
		585	Coin-operated		
Prohibited	1937	618	High score, free games; vio- lation	1953	659
Colonial Sugars, promotional scheme, whether violative of lottery law	1959	195	No free games	1949	270
Come-away-with-a-Comet sweep- stakes program; whether vio- lative of law	1959	555			585
Construction of statute	1929	342			740
Drive-in theatre			"Free plays" mechanism removed; prizes or rewards	1949	270
Coupon tickets for free gasoline; whether violative	1951	740			585

Subject	Year	Page
GAMBLING (cont.)		
Places where gambling carried on constitute a nuisance; subject to abatement by court	1929	261
Playing game for considerations and prizes constitutes	1937	619
Pool rooms		
High score prizes; whether violative	1951	745
Minors; playing; visiting; unlawful	1949	580
Popularity contest, prizes; shoe store; whether violative	1951	748
Premises licenses under beverage law; authority of beverage agents	1949	489
Premium or saving stamp plan, service station; prize awards, whether violative	1955	330
Prerequisites for felony charges; conviction in municipal court	1955	937
Prizes, awards by chance; scheme for advertisement; violation	1951	738
Prosecutions; statute of limitations	1953	665
Punchboards		
Cigarettes offered as prizes; legality	1945	729
General	1921	334
Merchandise as prize; legality	1945	728
Municipalities, licensed by; violations; sheriff; duty	1949	580
		581
		582
Operation of certain types; violation	1953	660
Prosecution for operation	1945	729
Pyramid clubs, business scheme; whether violative	1953	670
Race horse machines	1943	491
Radio scheme; prize awards; legality	1953	661
Raffles, prize awards; whether violative	1955	451
Rolfe armored truck service; aiding and abetting	1951	733
Schlitz Florida \$500,000 fishing contest; violation	1959	751
Searches and seizures		
Automobile transporting bolita tickets	1949	586
Sheriffs, duty of	1937	79
When unconstitutional	1937	79
Service station, scheme of oil company in promoting the opening of; whether violative	1957	363
Shooting gallery; money awards; legality	1955	80
Slot machines		
Confiscation of	1943	491
Construction of words	1929	392
Legality	1941	762
Operation; when does not constitute	1929	350
Seizure		
Return upon nolle prosequi	1949	265
Sheriffs, disposition	1941	764
Store purchases; lucky day prize; violation	1953	666
Suit clubs		
Flim flam game and lottery; violation	1949	579
Whether violative of law	1921	337
Sweepstake plans; prize award; whether violative of law re	1957	927

Subject	Year	Page
GAMBLING (cont.)		
Theaters		
Bingo game scheme; prize awards; whether violative	1957	435
Signed tickets; weekly prizes; violation	1951	737
Sky line contest, prizes; whether violative	1951	743
Tickets; prize awards; whether violative	1953	667
Tickets distributed, registered electors drawing; legality	1951	180
Trailer park; promotion scheme; prize awards; violative of lottery laws	1957	390
Turkey shoots; whether violative	1949	586
	1955	451
Western union telegraph company; room furnished wire information to baseball games; legality	1949	178
Zingo, radio promotion program; whether violative of laws	1959	262
Game and fish See: CONSERVATION, BOARD OF; CONSERVATION DEPARTMENT; FISH AND FISHING; GAME AND FRESH WATER FISH COMMISSION; HUNTING; SALT WATER FISHERIES		
GAME AND FRESH WATER FISH COMMISSION		
Advertising fund; authority to expend, world's fair	1937	631
Agents		
Costs against criminal case, payment	1947	403
Search and seizure, automobiles without warrant, authority	1953	425
Warrants, execution; authorized	1949	398
Alligators		
Construction of special act	1939	393
Hides; disposition by court	1943	327
Hunters; license requirement	1955	667
Sale and shipment, Broward county	1941	482
Arrests		
Bond estreature, costs	1941	482
Convictions; officer's fees	1949	404
Costs allowed where defendant released	1949	401
Game warden; acceptance of ball	1945	508
Automobiles, purchases; authorized	1951	508
Black bass		
Closed season		
In St. Johns river	1943	328
Regulation	1941	483
Boats		
Fishing licenses; nonresidents	1951	512
Motor used in illegal fishing; seizure and forfeiture	1947	405
Owned by tourist courts and motels for rental; license requirement	1955	765
Breeding grounds		
Game preserve; lands; owner's consent required	1949	405
General	1927	263
Brevard county, regulating seining in fresh waters, no authority	1951	506
Chairman, selection; tie vote	1951	505
Chapter 11838, construction	1927	261
Charlotte county; purchase of land	1943	99
Conservation department, separation of fresh water fish and game department	1935	630

<u>Subject</u>	<u>Year</u>	<u>Page</u>
GAME AND FRESH WATER FISH COM- MISSION (cont.)		
Conservation officer		
Appointment and release; au- thority	1939	395
Arrests; mileage, fees	1945	511
	1949	399
		404
Employment and release of to be determined by commis- sion	1939	395
Execution of warrants	1937	345
Mileage	1945	511
Posted property, entering with- out search warrant, au- thority	1951	504
Powers, fees allowed	1949	398
		399
Searches and seizures; authority; posted property	1949	570
Service warrants, fees	1949	398
Constitutional authority; rules, regulations; hunting rabbits at night; gun and light	1949	399
Construction of law	1927	259
Contracts of employment, valid- ity	1953	430
County lines govern fishing in certain cases	1925	285
Court costs; payment upon con- viction of violation	1943	331
Dealers or buyers of green or dried furs, license required of	1927	262
Deed reconveying land deeded to state for fish hatchery, should join by	1929	186
Deer		
Killing in areas infested with cattle fever tick	1935	628
Open season for, arrest of citizen from outside county	1935	628
Possession and hunting	1925	287
Special acts	1935	631
Dioramas; fairs and exhibitions	1935	632
Disabled veterans exempt from payment of certain license tax	1929	274
Doves		
Federal regulation regarding shooting in September does not affect state law	1927	264
Duties, powers and responsibilities	1937	346
Emergency orders or regulations, filing	1955	286
Employees; merit system; member- ship not possible	1949	401
Fees		
Construction of statutes re com- missioner and deputy	1931	432
Deputy game and fish com- missioner entitled to, when enforcing game laws	1929	204
Game wardens; amount	1913	82
Mileage and fees; when deputy has right to claim for ser- vices rendered in connection with enforcement game laws	1929	204
Firearms, carrying after dark	1943	328
Fish		
Dealers, license tax required	1925	282
Ponds		
Definition of	1927	261
Privately owned; without jurisdiction	1951	502
Possession during closed season	1927	350

<u>Subject</u>	<u>Year</u>	<u>Page</u>
GAME AND FRESH WATER FISH COM- MISSION (cont.)		
Fish (cont.)		
Propagated in private lake, no jurisdiction over	1929	333
Fishing		
Camp operators, boats for rental; licenses	1953	639
Citrus county, regulation	1941	486
Devices; salt and fresh water; regulations; jurisdiction	1951	502
Fresh and salt water, certain counties, disposition of funds	1925	288
Fresh water, licenses	1941	491
		492
Licenses		
Nonresident	1925	283
Poles; requirements	1949	404
Power to fix uniform opera- tive period	1945	510
Rod and reel	1949	467
Osceola county; phosphate pits; control	1941	490
	1943	330
Florida merit system; employees not eligible	1949	401
Forfeiture		
General	1941	491
Gun in possession of person charg- ed with crime at time of com- mission; county judge, au- thority	1955	546
Fox hunting, season	1941	486
Fresh and salt waters; lines of de- marcation	1943	327
Fur bearing animals		
Licenses	1921	338
Trapping, season	1941	486
Game		
Bear hunting	1921	300
Breeding, purchase of land	1941	492
Deer, construction of statutes	1935	629
Department officers accepting appointment as United States deputy game wardens	1935	667
Fairs and expositions, dioramas	1935	632
Firearms; use of on Sunday pro- hibited	1939	564
Imported, sale	1925	286
Possession		
During closed season	1939	394
From foreign countries	1935	661
Refuges	1935	630
Transportation for scientific purposes	1917	159
Game law		
Construction	1927	261
	1931	430
Definition of nonresident for purpose of license	1931	628
Imported game, sale	1925	286
License and right to hunt, when forfeited	1931	435
Violations; forfeiture of certain weapons and arms permitted	1959	749
Game refuge		
Establishment; procedure; pur- chase	1941	487
		492
Statute construed as to prosecu- tion for trespassing	1929	275
Game wardens		
Acting under special instructions	1913	78
Appoint. authority to	1917	109

Subject	Year	Page
GAME AND FRESH WATER FISH COM- MISSION (cont.)		
Game wardens (cont.)		
Appointment		
Deputy sheriff	1921	254
Fees	1921	62
Governor; duty	1905	169
	1925	311
Arrests	1943	332
Authority to make	1927	384
Mileage fees	1943	332
Compensation	1919	262
	1921	336
	1927	357
Deputy sheriffs may be	1913	187
Duties	1907	213
Entitled to \$50. 00	1927	357
Fees	1913	82
	1921	238
		241
		243
Arrests; costs	1949	401
Earned prior to law being de- clared invalid	1915	267
Repealed	1921	240
Posted lands, right to enter	1941	485
Powers	1905	176
	1907	201
Swearing out warrant and making arrest	1941	489
Search without search warrant, powers	1947	405
Sheriff ineligible to hold office of game warden	1915	238
General appropriations act, expendi- tures and budgetary restrictions; applicability	1953	429
Gig or spear fishing; commission authority under rules	1951	506
Gill nets, size regulation	1941	505
Honorary, powers and duties	1929	278
Hunter's guide, license requirement	1955	17
Hunting at night; penalties	1945	734
Hunting licenses		
County judge, fees of	1921	165
Denied or forfeited; persons convicted	1949	401
Exemptions	1921	331
		335
Refund	1935	627
Interpretation of §64, 1927 act	1927	263
Investigation; wild life officer; funds allowed for	1949	404
Lands		
Assessment by counties invalid	1949	400
Dedication by internal improve- ment fund	1941	359
Within drainage districts; as- sessment; legality question- able	1949	345
Legislators not eligible for appoint- ment wild life conservation com- mission	1927	260
Licenses		
Agents and wholesale dealers in furs and hides	1941	493
Helper for licensed commercial fishermen, exempted	1951	506
Issuance; county judge, duty	1953	423
Nonresident children, exemp- tions	1951	508
Resident		
Definition	1955	397
Requirements	1955	619

Subject	Year	Page
GAME AND FRESH WATER FISH COM- MISSION (cont.)		
Licenses (cont.)		
Rod and reel, still fishing; re- quirements	1951	509
Meetings; rules; resolutions promul- gated; legal place; Tallahassee	1949	398
Members; number	1943	330
Merit system of personnel adminis- tration, legality	1955	445
Migratory birds, department of in- terior commission's adoption of rules	1949	405
Minnows brought into state, sale for fish bait; nonresident fish dealer's license; requirements	1959	365
Motor vehicles		
Contract relating to sale; valid- ity	1953	430
Equipment, purchase	1941	484
Motorboats, registration certificates for pleasure boats, issuance; au- thority	1959	277
Nassau county; laws relating to open hunting season for deer in	1939	392
National forests, carrying of fire- arms during trapping season; adoption of rules, authority	1955	847
Nets See: NETS, SEINES, ETC.		
Officers		
Fees and mileage; disposition of same	1959	551
Power of arrest	1953	442
Oil interests; authority to lease	1943	331
Open season for hunting	1935	627
Phosphate pits; jurisdiction	1947	402
Polk county; taxation of state lands	1949	221
Powers and duties when termed "honorary"	1927	223
Private game refuge; authority to declare as state refuge	1945	509
Private ponds and lakes; control	1943	329
Quail in captivity, shipment from state	1921	215
Re-conveying land deed to state for fish hatchery, law construed	1929	186
Residents, definition; license re- quirements	1955	619
Retail dealers, determination; li- cense requirement	1955	284
Rules and regulations		
Authority	1949	397
Filing in office of secretary of state, requirement	1955	286
Violation; legislature prescribing penalty	1949	397
Sales and employment contracts, validity	1953	430
Salt water fish in fresh waters; jurisdiction	1951	511
Seafood dealers, license require- ments	1941	504
Seminole Indian reservations; hunt- ing and fishing rights; prohibition; authority	1953	358
State budget commission; power and duties over budgets	1953	306
Transfer of funds authorized	1937	348
Trapping animals and use of poison; construction of §58, chapter 11838	1927	264
Turkey; possession and hunting	1935	631
United States forest service, co- operative agreement with; au- thority	1953	424

Subject	Year	Page
GAME AND FRESH WATER FISH COMMISSION (cont.)		
Unlawful to fish with nets in Homosassa River	1939	393
Value of leasehold; authority to stipulate	1943	329
Venue for prosecutions of violators of laws, rules and regulations in relation to lakes, rivers, etc.	1957	153
Water pollution laws; enforcement; state board of health	1949	400
Wholesale dealers		
Determination; license requirement	1955	284
Occupational license	1955	210
Wholesale live bait, dealer; license, residence requirement	1957	790
Wild ducks; closed season, application of statute	1937	349
Wildlife code; gun in prohibited areas	1949	406
Wildlife officer		
Person resisting arrest made by; authority	1955	29
Search a person or vehicle within wildlife management area as routine matter; authority	1957	596
GAME BIRDS, NON-MIGRATING		
See also: BIRDS		
Landowner, when within right to kill	1931	567
GAME COCKS		
See also: COCK FIGHTING		
Cock fighting		
Armed with miniature rapiers; legality	1953	652
Injunctions against	1953	652
Farms; occupational license fee	1953	285
GAME COMMISSIONER, STATE		
Children exempt from payment fishing and hunting license tax	1931	430
Deputies and other assistants, employment; authorization	1927	223
Fees; construction of statute	1931	432
Fishing statutes; construction	1931	431
Game, nongame birds and fresh water fish; construction of law	1931	430
Permits to collect specimens; application of law	1931	433
Game law See: GAME AND FRESH WATER FISH COMMISSION		
Game preserves See: Game refuge under GAME AND FRESH WATER FISH COMMISSION		
Game wardens See: GAME AND FRESH WATER FISH COMMISSION		
Games; Sunday baseball	1921	347
GANDY BRIDGE		
Railroad commission to fix and regulate tolls	1937	473
Tolls and purchase; state road department no jurisdiction over	1927	473
Gardens, scenic; operated for profit; license tax	1945	351
GARNISHMENT		
Rights of defendant	1925	351
State		
Employees, order for suit money	1939	556
Officers and employees not subject	1937	464
Process, not subject to	1904	68
GAS AND OIL		
See also: GASOLINE; LIQUEFIED PETROLEUM GAS		

Subject	Year	Page
GAS AND OIL (cont.)		
Blackwater River state forest; lessees' and optionees; rights, privileges	1951	633
Declaration of interests; clerk's recording fees	1945	368
Exploration contract; state lands; default; power of trustees to transfer fund	1945	448
Fees, inspection	1941	634
Fractional certificates of interest; registration with securities commission	1945	618
Fuel tax anticipation certificates, interest bearing; state deposits, eligibility	1953	11
Gasoline tax fund; county owned vehicles, tire purchases	1951	494
Illuminating or lubricating oils, license tax on wholesalers	1933	8
Inspection and analysis; subject to	1929	254
Inspection law, interpretation	1929	250
Lands and equipment for search or production; tax situs	1959	112
Leases		
Documentary stamp tax	1945	336
Game and fresh water fish commission; authority	1943	331
Intangible tax	1945	326
Lands of board of forestry and parks	1945	651
Mining; undivided interest, sale; registration as securities	1951	607
Sale of, etc.; jurisdiction of securities commission	1947	479
Security act	1933	596
State's retained interest; working agreement	1945	451
Trustees I. I. fund	1935	558
Whole interest in, exempt under securities act	1933	592
Liquefied petroleum gas See: LIQUEFIED PETROLEUM GAS		
Murphy lands; power of trustees to lease	1945	269
Oil company; duty of comptroller to collect occupational license tax	1931	698
Production tax; registration; notice	1945	368
Reservation of rights by trustees	1945	458
Royalty		
Not regarded as intangible personal property	1959	407
Undivided interest constitutes security	1937	380
Sales at wholesale to public utilities; railroad and public utilities commission, jurisdiction	1951	500
Test well; permit and fee	1945	513
Wells		
Equipment; exemption from taxation	1947	192
Use of as fresh water wells	1955	457
Gas and oil wells; use of as fresh water wells	1955	457
Gas districts; tax exemption provisions in certain local acts, effect on gross receipts tax	1955	555
Gas heaters; cabins; butane heaters vented outside	1949	468
Gas, liquefied See: LIQUEFIED PETROLEUM GAS		
Gas-measuring slot machines, license tax requirements	1905	99

<u>Subject</u>	<u>Year</u>	<u>Page</u>
GASOLINE		
Advertising; notations such as discount to trucks, cut rates, gasoline price war, etc.; legality	1957	374
Average monthly sales for twelve-month period	1957	164
Aviation; use in motor boat; tax situs	1943	234
Carrier corporation; reciprocal agreement; mileage taxes; exemption	1949	364
Cities, towns and counties not exempt from taxes when gasoline stored	1929	234
Concession at municipal airport; lease on gallonage basis	1947	273
Dealers; display of prices, violations; prosecution in municipal courts; jurisdiction	1957	423
Distributor's qualifications; collection of taxes	1951	329
Gasoline tax		
See also: GAS AND OIL; KANNER BILL		
Allocation; power of legislature	1933	76
Appropriations		
Administration of certain funds, cost not included	1933	384
General	1935	421
Assessment; tangible personal property, as	1935	47
Aviation gasoline	1933	72
Exemption	1941	230
Use in motor boat; tax situs	1943	234
Board to hold until disposition directed by county	1933	155
Bonds, purchase under Kanner bill; use optional with county	1933	153
Certificate of indebtedness; Broward county	1933	175
Collection	1921	126
	1925	152
	1927	200
	1925	150
Amount		
Gasoline purchased by state road department or other state boards; liability	1933	75
Liability under chapters 13756 and 9120	1929	206
State	1925	152
Suits	1921	148
		150
Comptroller		
Contract for collection; without authority to enter into	1933	78
Distribution; duties	1939	434
Consular officers and employees; exemption	1937	584
Counties, municipalities and state governmental agencies; exemption	1939	518
County board public instruction not authorized to use	1929	358
County commissioners; authority to use gasoline tax money under Kanner bill	1933	74
County funds, transfer; construction of law	1931	558
Cuban consular officials; no exemption	1949	271
Dealers		
Bulk plant; liability	1933	77

<u>Subject</u>	<u>Year</u>	<u>Page</u>
GASOLINE (cont.)		
Gasoline tax (cont.)		
Dealers (cont.)		
Deductions for services, expenses	1951	333
Definition	1927	167
Disabled world war veterans; exemption	1927	196
Gasoline and other like products; liability	1927	181
Liability	1927	174
	1933	73
Manufacturer or distributor, identification required	1933	73
Retail; evaporation and shrinkage refund; eligibility	1957	421
Wholesale	1921	115
Liability	1927	197
Diesel fuel	1949	272
		274
Disbursement	1927	168
Distillate, tractor fuel, gas, oil or marine fuel; application of law	1933	74
Distribution	1933	76
Board of administration, by; interpretation of law	1931	323
		324
Original contribution repaid and preferential roads completed, when	1939	521
		526
State roads only to participate	1931	452
Distributor's qualifications; collection of taxes	1951	329
Drainage districts subject to	1933	78
Evidence of budgeting by commissioners determined by board	1933	184
Exemption	1923	116
	1925	159
	1941	230
Aviation gasoline		
Certain state boards and bureaus	1931	1035
Federal land bank of Columbia	1935	47
Florida archeological survey	1935	47
Military department	1931	1039
State	1931	295
Trucks operated by Florida forest service from state and federal funds	1935	68
Export, credit on sales	1931	307
First, second and third preferential systems of state roads; participation in second gas tax	1937	482
Fishing boats, whether subject to	1931	300
Five cents on gallon; liability	1927	181
Foreign corporation, etc., amount paid	1925	237
Fort Barrancas post exchange; exemption	1931	300
Funds		
Direct control, county commissioners; freed of budget commission control	1949	272
Excess; expenditure beyond appropriation; budget amendment	1949	274

<u>Subject</u>	<u>Year</u>	<u>Page</u>
GASOLINE (cont.)		
Gasoline tax (cont.)		
Gasoline made in state for export to foreign countries, not applicable to sales	1929	221
Governmental agencies; liability	1943	234
Inspection Fee		
Collectible from federal agencies	1933	76
	1935	46
Liability; other tax	1927	208
Tax collectible on all gasoline handled in state	1927	200
Lease of concession at municipal airport on gallonage basis	1947	273
Liability	1923	116
	1925	149
	1927	164
		174
		181
		208
Certain cases	1931	984
Exemption	1929	221
	1931	257
		753
Original dealer	1929	225
Losses due to evaporation and shrinkage; application for refund of taxes, time for filing	1959	356
Moneys derived from, under Kanner bill; use	1933	156
Pan American airways, purchase or storage of gasoline by	1933	71
Payment, time for	1925	149
Penalties for non-payment; waiver	1925	170
Political subdivisions, gasoline delivered in leased tanks; liability	1929	233
Products subject to	1919	245
Purchase by dealer; tax liability at first place of purchase	1927	181
Race track fund; water system fund; control	1949	190
		272
Refund		
Equipment used for agricultural purposes	1953	292
Fish hatchery; commercial sales; eligibility	1957	35
Interstate commerce, amounts collected on shipments	1927	195
Invoices, carbon copies; marking by comptroller to show use	1955	305
Jungle garden, bulb farming	1953	289
Method of making	1953	291
Use for purposes other than motor vehicle fuel	1957	764
Road and bridge district participation; tax fund prerequisite	1931	259
Sales		
Cities, towns and counties, to; liability	1929	233
Government, to; liability	1927	215
Schooner operating between certain points; liability	1927	201
State, to; liability	1929	403

<u>Subject</u>	<u>Year</u>	<u>Page</u>
GASOLINE (cont.)		
Gasoline tax (cont.)		
Sales (cont.)		
Storage tax		
Exemption	1933	72
Liability	1931	1023
Seaboard air line railroad, application of law	1931	301
		305
Seven-cent; liability for payment by state road department	1941	233
Shipment to Georgia; liability	1927	200
Special taxing districts	1933	71
Pro-rata share	1931	290
State board of forestry not exempt	1931	429
State road distribution fund	1937	420
Apportionment	1943	322
State statutes, construction and application	1931	255
State tax		
Exemption	1931	257
Interstate sale; liability	1931	745
Purchasers; liability	1929	403
Storage of gasoline in cities, towns and counties; exemption not allowed	1929	234
Storage tax		
Application of law	1931	295
Liability	1931	766
School board; liability	1931	827
Substitute motor vehicle fuel	1945	360
Surplus funds, transfer, comptroller's duties	1941	231
Texaco aerodiesel fuel not subject to	1929	226
Tractors used in operating an orange grove; liability	1931	225
Walton county; expenditure for roads, pledge for payment of bridge bonds; state road department without authority	1937	469
		470
Inspection		
Drawing samples; procedure	1919	242
	1937	272
Fee of one-eighth cent; exemption not authorized	1931	343
Fiscal year, beginning	1919	243
Funds; expenses to be paid from	1923	106
Rules and regulations; promulgation by commissioner of agriculture	1937	272
Standards	1919	238
Mixtures of motor fuel and lubricants, used in operation of certain engines, taxability	1959	698
Motor fuels		
Distributor's qualifications; license cancellation	1951	331
Excise tax; liability upon purchaser and user	1951	334
Naval reservation; liquefied gas; interstate commerce tank cars	1949	480
Petroleum products		
Dealer; municipal license, requirement	1949	266
Hexane, rubber solvent, etc.; tax situs	1949	272
		274
Purchase by county commissioners from member distributor	1949	576
Road and bridge districts; participation in gasoline tax fund	1931	259

<u>Subject</u>	<u>Year</u>	<u>Page</u>
GASOLINE (cont.)		
Royalties, not regarded as intangible personal property	1959	407
Same person as wholesaler or retail dealer, transaction between two operators; construction of law	1957	164
Seaboard air line railway; application of law	1931	301 305
Sheriff's automobile; tax exemption	1947	273
Valuation of stock determined for ad valorem tax purpose	1959	180
GASOLINE LEAGUE		
Tax		
Payment required	1925	168
Penalties for non-payment; waiver	1925	170
Gator bowl revenue certificates; intangible tax; liability	1947	240
General American life insurance company; reinsurance; service of contracts; new employees; city of Lakeland; authority	1949	520
General elections See: ELECTIONS		
GENERAL INSPECTION FUND		
Appropriations under §20, chapter 14762	1937	277
Cost of erecting and equipping plants limited to surplus in	1933	461
Service charge allowed comptroller's or treasurer's office for handling	1959	429
General law, street tax not governed by	1931	379
GENERAL REVENUE FUND		
Appropriations payable from, unless otherwise specified	1933	383
Claims of tax certificate holder payable from	1939	514
Deficiency salaries, law examining board, to be paid from	1937	9
Expenditure by livestock sanitary board from	1933	391
Items payable from, unless otherwise specified	1933	386
Reserve racing commission fund, when transferable to	1933	446
Salaries and certain other current expenses of state have priority	1927	198
Surplus funds at end of year; reversion	1949	409
Transfer of state funds and surplus in racing commission fund	1933	444
Veterinarian, expenditure by livestock sanitary board for employment of	1933	391
General road law; constitutionality of compulsory service provision	1915	239
General safe deposit business; corporation; use of word savings as part of name; violation	1957	98
GENERAL STATUTES		
See also: STATUTES		
Exclusion of a single county from operation of a general law or statute; effect	1955	121
GEOLOGICAL DEPARTMENT		
Agreement with well drilling contractors' association; authority	1947	401
Appropriation	1923	193
Funds for operation from conservation fund	1933	57
Geologist, state		
Assistants, employment; authority	1917	193

<u>Subject</u>	<u>Year</u>	<u>Page</u>
GEOLOGICAL DEPARTMENT (cont.)		
Geologist, state (cont.)		
Leave of absence	1917	188
Removal of specimens from Tallahassee to Gainesville not allowed	1939	396
Public printing; validity of out-of-state bids	1951	441
Publications		
Charges for; disposition of proceeds	1947	400
Surplus funds; disposition	1949	409
Survey		
Appropriation		
State geological survey, for Use	1937 1919	12 207
Geological survey division See: GEOLOGICAL DEPARTMENT		
Geologist See: GEOLOGICAL DEPARTMENT		
Georgia farmers; farm and grove products, exempt from license tax	1931	809 822
Georgia highway commission; state road department; entering into agreement to construct bridge at state line; authority	1939	419
Georgia, state of; petroleum carrier corporation reciprocal agreement; mileage taxes; exemption	1949	364
GIFTS		
See also: ALCOHOLIC BEVERAGES AND LIQUORS		
Beer by brewery; tax deduction	1945	635
Cigarettes, to veterans' hospital patients; tax	1945	370
Conditional gift, authority of board of control to accept	1911	87
Liquors and beverages; beer vendor; distributor; violation	1949	487
Real property; documentary stamp tax	1945	335
Gig or spear See: FISH AND FISHING		
GILCHRIST COUNTY		
County commissioners		
Election districts; consolidation	1949	169
Nomination	1947	97
Juvenile court		
Counselor, employment; mandatory	1951	68
Judge, compensation	1951	68
Prosecuting attorney as counselor	1951	68
Liability for portion of Alachua county indebtedness	1945	247
Park board employees, county retirement system; eligibility	1959	47
Race track funds		
Disposition	1941	686
Distribution; construction of former act	1955	905
School debt of Alachua county; liquidation	1945	420
Gill nets; size regulation	1941	505
Girl Scout council; lands owned and held by, taxability	1959	767
GLADES COUNTY		
Bonded debt, remittance of excess funds to county by board of administration	1941	431
"No fence" law; posting against trespassing; legal fences	1945	649
Private lands; levee adjacent to; rebuild or construct; public funds; county commissioners; no authority	1949	181

Subject	Year	Page
Goat Island; conveyance; development by Duval county commissioners for public purposes; authority of trustees	1957	440
GOLF CLUB HOUSE		
Jackson county; Florida park service; coverage state fire insurance fund	1949	340
Workmen's compensation law; coverage golf professional employee	1949	439
Golf courses; privately owned; license tax, liability	1957	10
Good conduct See: PRISONERS		
GOVERNMENT		
See also: UNITED STATES GOVERNMENT		
Subject, no such person as a, exists under our form of government	1931	929
Taxpayers not denied right to participate in management	1931	929
Government bonds; documentary stamp tax, exempt from	1931	915
GOVERNMENT RESERVATIONS		
Personal property, subject to tax	1923	127
Persons residing on; elections; registration qualifications	1951	100
Government workers See: ELECTIONS		
GOVERNMENTAL AGENCIES		
Documentary stamp tax, exempt from	1931	871 889 892 234
Gasoline tax; exemptions	1943	
Self insurers; workmen's compensation division entitled to assess	1949	437
Social security; status of certain agencies	1957	240
GOVERNMENTAL EMPLOYEES		
Assignment of wages by, not binding on employer	1959	224
Labor unions, constitution asserts right to strike; membership prohibited	1959	241
GOVERNOR		
See also: APPOINTMENTS		
Accountancy, prerequisite for British subject to practice	1927	132
Accused entitled to bail where arrested	1927	121
Adjutant general		
Law governing appointment	1927	131
Requisition for payment of unnecessary expenses; withhold approval, authorized	1917	206
Airlines, special officers for; appointment	1957	884
Anna Maria Island fire control district establishment	1949	212
Appointees		
Authorized to suspend	1937	459
Issuance of certain commissions by secretary of state, authority	1955	11
Appointments		
Acting assistant state attorney	1945	103
Agent to protect state property; authorized	1927	123
Assistants to state attorneys, authorized	1939	96
Board of osteopathic medical examiners, members' qualifications	1941	616

Subject	Year	Page
GOVERNOR (cont.)		
Appointments (cont.)		
Circuit judge; eligibility of legislator	1945	103
Citrus commissioner; eligibility of state senator	1947	523
Commissioners of deeds in each state or foreign country, one or more	1929	185
Commissions		
Issuance, oath, tax, etc.	1947	127
Ministerial duty of secretary of state	1945	96
County attorneys	1939	35
County board of public instruction, term of commission	1941	242
County solicitor; filling vacancy	1945	218
Dual offices		
General	1943	257
Sheriff as probation officer	1945	128
State superintendent as Everglades Park commissioner	1945	776
Eclectic physician instead of allopath physician; without authority	1939	316
Fire control district commissioner		
	1947	127
Harbor masters	1925	386
Inspectors of marks and brands	1945	622
Notary public; qualifications established	1949	162
Power; structural pest control board; two-member; three-year term	1949	464
Probation officer		
Duval county; term	1945	136
Monroe county; compensation	1945	203
Orange county	1945	548
Polk county	1945	759
Reappointments; legal effect	1945	596
School attendance officer	1933	415
School board members		
Additional	1947	282 284 289
Terms		
	1945	380 383 387
Special officers	1929	174
State labor inspector	1937	455
State welfare board	1941	541
Temporary during temporary absence of officer	1947	39
Unexpired term of deceased member of Broward county port authority	1933	624
Vacancy in elective office; term of appointee	1945	404
Appropriations bill, power to strike out any portion	1949	27
Approval by legislature of vetoed bill; effective date of appropriation	1947	615
Assignment of circuit judges; authority; special and regular; reimbursement	1949	32
Assistant state attorney, status; confirmation by senate	1939	98
Assistant state auditor, removal for cause	1933	601
Auto license tag		
Suspension unauthorized	1933	67
Time payment, unauthorized to extend	1933	68

<u>Subject</u>	<u>Year</u>	<u>Page</u>
GOVERNOR (cont.)		
Bail, persons authorized to accept	1927	121
Baseball dinner, advertising commission funds, use to defray expenses	1955	49
Board of administration; approval of refunding bonds not necessary	1931	228
Board of bond trustees; not authorized to fill vacancy by appointing member	1931	224
Bonds		
Interested party's right to institute suit in name of governor	1927	134
Payable	1923	157
Broward county port district, authorized to fill vacancy	1931	1046
Central purchasing; budget commission; motor vehicles; powers and duties	1949	159
Chiropractors unauthorized to issue health certificate	1927	130
Circuit judge, assignment of in absence of resident judge; authority	1927	229
Circuit judge, authority to appoint additional	1939	79
City ordinances, without authority to suspend	1917	203
Commission; woman elected to office; change in name by marriage subsequent to election; issuance	1929	194
Commissions		
Issuance	1943	95
Regular fees required	1931	224
Comptroller		
To audit books of municipalities, authorized to direct	1929	175
To audit financial departments of cities and towns; authorized to direct	1933	536
Constables		
Deputy sheriff, unauthorized to act as	1927	118
Fees for returning prisoner to district for trial	1927	131
Constitution; construction §11, article IX	1931	223
Constitutional power to strike out "portion" of appropriations bill	1949	27
Contingent fund	1919	119
	1921	94
Militia, payment	1917	118
County commissioners		
Abolishment of justice of the peace districts; authority	1927	116
		118
County buildings, roads and bridges; duties	1931	222
Leave of absence, employment of air base project; authority to grant	1951	211
County judge		
Accepting resignation of; effect	1945	218
Appointment under certain conditions	1925	397
Authority to assign	1949	55
Surety bond	1931	227
To endorse upon warrant amount of bail, duty	1927	120

<u>Subject</u>	<u>Year</u>	<u>Page</u>
GOVERNOR (cont.)		
County legal advertising, without authority over	1917	219
County officers		
Subject to suspension by, under certain causes	1933	194
Under certain conditions, authorized to suspend	1927	297
County surveyor; power to appoint	1949	458
Dade county; additional county judge, power to appoint	1949	56
Death warrant		
Earliest date of issuance	1943	500
Procedure	1927	124
Defense units of state in case of war, authorized to increase	1939	545
Democratic executive committee; method of filling vacancy	1931	223
Director of unemployment compensation division, authority to appoint	1939	368
Easement for subsurface road-crossing by pipe lines, unauthorized to grant	1939	560
Elections		
Calling special election; procedure	1943	142
School district trustees, calling special election	1945	412
Electrocution, whose duty to perform	1927	116
Escaped prisoner may be prosecuted for misdemeanor	1927	120
Everglades national park; right of way; consent to expenditures	1949	335
Examination of financial departments of municipalities; authorized to direct	1931	765
Expense account, not limited to; provided in house bill 519, acts of 1933	1933	612
Extraordinary session; appropriations bill; scope of governor's calling	1949	25
Federal estate tax; state has no statute to contest validity	1927	127
Federal housing and rent act of 1949; duty as to resolution by cities	1949	27
Fish in lakes, without authority to grant permit to take	1917	103
Florida national guard, funds used for benefit of	1939	539
Former county officials; recovery of amounts alleged to be owed by; procedure	1957	710
Game warden		
Appointment	1925	311
Authority to appoint	1917	109
Gasoline; tax exemption	1931	225
Governor's mansion; title to lot; investigated	1905	79
Grand juror, libel suit against; state attorney to defend, assignment; authority	1955	793
Granting leave of absence to various officers See: Various officers in this index		
Harbor master, when authorized to appoint	1937	351
Honorary game wardens, appointment	1933	496
Hotel commissioner's salary fixed by; authority	1951	593
Inspectors		
Bureau of inspection; requisitions, approval	1927	129

<u>Subject</u>	<u>Year</u>	<u>Page</u>
GOVERNOR (cont.)		
Inspectors (cont.)		
Marks and brands; appointment and approval	1931	226
Judge, civil court of record, appointment	1927	151
Judges criminal court of record, disqualified; judge of other criminal court of record presides	1927	133
Jurisdiction of certain lands ceded to United States; description	1947	11
Justice of peace		
Assignment	1943	126
Fees for serving papers outside district	1927	130
In absence of regular justice, authority to designate	1939	48
Legislative acts, effective date of without governor's approval	1957	154
Loan; state not authorized to sponsor from reconstruction finance corporation	1931	228
Medicine practice; without authority to issue emergency license	1949	451
Militia, payment from contingent fund, when called	1917	270
Motor vehicles		
Governor may request punishment not imposed for failure to procure tag	1939	497
Prohibit person to operate, without authority	1933	567
Municipal audit; authority to direct state comptroller	1947	171
National guard members; allowance, payment	1927	122
Naval stores, supervising inspectors; term of office	1927	133
Notaries public		
Appointment	1925	129
Commission, authorized to revoke	1929	173
Commission, retroactive issuance of; without authority	1957	703
Construction of law as to appointment and commission	1929	195
Eligibility of alien	1947	627
Married female minor	1947	134
Residence requirement	1947	626
Officer of county guards, removal	1917	191
Opening new highways, procedure	1927	114
Oyster conservation commission; appointees; four-year term	1949	410
Peddler, without authority to grant permit	1917	102
Physicians, when authorized to practice in state	1927	119
Pinellas utility board; vacancy; appointments	1949	28
		124
		127
		129
Powers		
Appointments; vacancies in elective offices	1943	97
Appropriations; veto	1943	98
Assignment		
Circuit judge	1945	147
Escambia county; judge court of record to another criminal court of record	1943	122
Judge; retroactive order	1945	136

<u>Subject</u>	<u>Year</u>	<u>Page</u>
GOVERNOR (cont.)		
Powers (cont.)		
Assignment (cont.)		
Prosecuting attorney	1945	786
State attorney to prosecute cases	1943	122
Audit, petition; "Florida City"	1941	150
Circuit judge; disqualification; substitute	1943	108
Deed of cession, execution	1941	2
Drainage districts; audit of books; supervisors	1943	106
Grand juror, libel suit against, state attorney to defend	1955	793
Highways in defense areas, closing	1941	348
Leaves of absence for trial of war criminals	1945	226
Loans from state banks, war contracts under executive order No. 9112	1941	748
		750
Motor vehicles, speed, regulation	1941	374
Municipal officers, military leaves of absence	1943	169
National guard officer, retired, authority to call to active duty	1941	351
Persons under criminal prosecution in this state, extradition	1941	782
Property; purchase for state capitol center	1943	302
School districts; resignation of trustee; successor	1943	260
Standard time; change	1945	93
State guard; discharge date	1945	445
Tax assessor, withdrawal of appointment	1945	781
Prisoners		
Transferred for safekeeping at request of; permission to return for purpose of arraignment; requirement	1955	812
Transferred from one jail to another, authorized to order	1939	552
Proclamation of holiday for banks by governor unauthorized	1933	558
Reconstruction finance corporation; state not authorized to sponsor loan from	1931	228
Refunding bonds; approval board of administration not necessary	1931	228
Removal of prisoner upon order of; expense, payment	1911	78
Removal or suspension		
County solicitor	1945	218
Drainage district supervisor	1943	106
Nonconcurrence of senate; payment of salary	1945	365
Officers		
City of Key West	1935	693
During session of senate	1943	97
Fees during suspension; computation	1947	155
National guard	1931	352
Order; without authority to direct sheriff to enforce	1919	124
Recovery of office property by appointee	1941	43
Resignation		
Chairman and member of industrial commission must be accepted to be effective	1939	373

Subject	Year	Page
GOVERNOR (cont.)		
Resignation (cont.)		
Hon. Fred H. Davis, attorney general	1931	221
Legislators; procedure	1945	217
Rifles, without authority to execute bonds for	1917	220
Roads and bridges, county buildings; duties of county commissioners and state board of health	1931	222
St. Lucie county budget commission; power to call special primary to nominate candidates	1947	106
School board member; vacancy; authority to fill	1949	296
Sheriffs, entitled to guard, to assist at courthouse and jail	1927	125
Social security coverage, referendum election by public employees; authority	1955	18
Special officer		
Airlines, for; appointment	1957	884
Without authority to appoint	1925	83
Special primary election; vacancies in nomination; authority to call	1955	860
Special session of legislature; message before	1943	96
State appropriated moneys; right of way; Everglades national park; authority	1949	335
State attorneys		
Assignment to other circuits	1927	134
Disqualified county solicitor, substitution for	1937	116
Incompetency, removal of	1933	518
State board of health; duties re county buildings, roads and bridges	1931	222
State capitol center; purchase property for; authorized	1943	302
State democratic executive committee; vacancies; method of filling	1931	223
State lands ceded to United States	1949	20
State officers unauthorized to hold more than one office	1927	118
Statute of limitation; two years in certain cases	1931	226
Supervisor of registration, eligibility for other office	1927	127
Supreme court; opinions upon certain matters	1905	40
Suspension		
Duty of governor	1931	1036
Suspending certain officers, application of constitution	1931	1036
Tax collector's bond, reduction; subject to approval	1967	94
Taxation		
Tax books; governor not authorized to extend time for closing	1931	226
Tax redemption, not authorized to extend time for on adjusted basis	1935	93
Taxes, not authorized to remit	1925	103
Tractors; used in operating on orange groves; subject to gas tax	1931	225
Transfer from other fund certain sum for state board of health; authorized	1927	123
Unexpired term; appointment	1923	293

Subject	Year	Page
GOVERNOR (cont.)		
Use of name in suit	1921	68
Against sheriff	1935	819
Indemnity bond		
Vacancy		
Board of bond trustees, without authority to fill by appointment	1931	224
Democratic executive committee, method of filling	1931	223
Veto of items in appropriations bill; power	1917	259
	1943	98
Grand jurors See: JURORS; GRAND JURY		
GRAND JURY		
See also: JURORS		
Costs in summoning	1919	286
Court reporter, compensation for taking and reporting proceedings before	1959	185
Criminal proceedings, expenses incurred, payment	1905	178
Dade county; mileage expenses; payment by comptroller authorized	1957	670
Expert witnesses testifying before; compensation	1957	880
Indictment for manslaughter; charges raised to second degree by solicitor; authorized	1957	777
Inspecting county roads; expense of conveyance not legally payable by county	1915	147
Juror, libel suit against; state attorney to defend, assignment; governor's authority	1955	793
List publication not in violation of corrupt practice act	1931	989
Primary election law, authorized to investigate violations	1927	444
State attorney, attendance; requirement	1904	60
Stenographer's fee, liability of county	1915	249
Testimony before, transcript of; court reporter, payment	1957	533
Witnesses		
Court order allowing additional compensation	1955	893
Expert witnesses before; compensation	1955	637
Fees, when payable to nonresident witnesses	1927	190
Physicians as professional or expert witnesses; fees	1905	178
Requisition; requirements	1904	39
Testimony; disclosure; penalty	1957	523
GRANTS		
Railroads; acreage per mile granted certain companies	1935	817
Water bottoms for oyster culture, yearly rental	1913	129
GRAPEFRUIT		
See also: CITRUS FRUITS		
Consolidation of wording of advertising stamps; not authorized	1939	323
Graphology; defined; handwriting analysis; license tax, requirement	1953	282
Great Britain; registered nurse; final certificate of naturalization required	1949	452
Green Mansions, Inc.; special liquor license, issuance	1955	903

<u>Subject</u>	<u>Year</u>	<u>Page</u>
GREEN TURTLES		
See also: TURTLES; SALT WATER		
FISHERIES		
Closed season; taking; regulations	1951	515
GROCERY STORE		
Profit sharing		
Bonus, scheme; cash awards; whether violative	1959	670
Schemes; prize awards; whether violative	1959	624
Groins; jetty, whether or not same comes within meaning	1953	383
Gross premiums tax See: INSURANCE		
Gross receipts tax See: TAXATION		
Group insurance See: INSURANCE		
Group life insurance See: INSURANCE		
Grove products; exemption from license tax; Georgia producers	1931	784 809 822
GUARD, FLORIDA STATE		
See also: COUNTY GUARDS; MILITARY FORCES; NATIONAL GUARD		
Expenses, payment		
Governor's contingent fund, from	1917	118 270
Preservation of peace, when called out for	1917	116
Lost clothing; method of reimbursing federal government	1945	445
Members; retirement benefits, eligibility	1955	381
Sheriff, authority to call out	1929	260
Status; discharge date	1945	445
GUARDIANS		
See also: PROBATE LAW		
Applications and oaths; recording	1943	306
Appointment under chapter 19163	1939	540
County judge not authorized to charge for recording final report	1931	779
Deposits of funds belonging to minors in savings bank not unlawful	1939	541
Federal savings and loan association; deposits by guardians, curators, etc.; eligibility as permitted by law	1957	45
Florida state college for women; student, appointment of guardian; form	1941	758
Inmates of Florida state hospital	1935	813
Married woman, acting for disabled veteran; permitted	1929	418
Re-recording accounts rendered, in	1931	574
Report to county judge, required to make	1931	778
State warrants, endorsement of	1945	725
GUARDS		
See also: CONVICTS		
Convicts, prosecution for mistreatment	1941	791
County prisoners, authority to carry firearms	1941	791
Sheriffs		
Claim against county for guard hire	1927	390
Payment for guards	1935	273
Guest statute; financial responsibility law; liability of owner to guest passenger	1957	44

<u>Subject</u>	<u>Year</u>	<u>Page</u>
GUESTS		
Hotels, motels, etc.		
Record of arrival and departure	1949	470
Registration; requirements	1953	514
Hunting license, if required to pay	1927	371
Right of innkeeper to eject undesirable guests		
Common law and statutory right	1945	608
O. P. A. regulations; effect	1945	607
Procedure	1945	608
Gulf Beach service district; elections; voting machines	1949	109
Gulf county; county prosecutor; legislator to hold office; eligibility	1957	26
Gulf of Mexico; jurisdiction of state	1933	264
GULFPORT, CITY OF		
Bankruptcy proceedings; filing proof of claim	1939	235
Plumbers' code, applicability; local census	1953	207

Subject	Year	Page	Subject	Year	Page
HABEAS CORPUS			HARBOR MASTERS (cont.)		
Conditional pardon, arrest for violation	1905	163	Fees (cont.)		
Cost, county to pay when defendant discharged	1929	300	State discrimination; harbor of Key West, shrimp schooners	1949	347
Extradition, costs	1935	759	Governor to appoint	1925	386
Hearings; state attorney, duty to attend	1904	64	Indirect services; fees	1945	480
Prisoner's release ordered by circuit judge; release fees	1949	629	Jurisdiction; general powers; duties; authority; ports and harbors	1949	348
Sheriff entitled to costs for executing writ	1927	386	Oath required; loyalty and anti-communist	1949	595
State attorney; written notice required; detention; bond not canceled	1949	602	Official records of predecessor, entitled to	1949	576
State prisoners; indigent persons; release fees	1949	629	Retirement system; membership	1949	168
Habeas corpus proceedings; liability for costs	1917	432	Vessels, removal	1935	774
Habitual criminal statutes; prosecuting attorney; duties	1955	39	Harbors See: PORTS AND HARBORS		
Hair-coloring demonstrations; license requirements under beauty culture law	1957	770	HARDEE COUNTY		
HAIR CUTTING			Bonds of board of public instruction; validity	1947	310
Florida barber law; beauty shops; exempt	1949	460	Certificates of deposit, purchase by board of administration	1941	432
Registered barber may practice	1939	229	County commissioners		
Haley committee; expense funds, public contributions; acceptance, administering	1951	23	Ad valorem taxes; community chest; welfare purposes	1949	175
Halifax hospital tax district; commissions for assessing taxes	1933	224	Clerical help	1943	111
Hallandale, city of; mayor; constable eligible to serve as	1949	67	County road funds, division of; tax collector, without authority	1949	392
HAMILTON COUNTY			Impounding officer; employment	1945	245
Candidates for offices of tax assessor and tax collector; filing fees	1947	89	Livestock; sale of impounded, report by sheriff	1945	123
Tax assessor; compensation provided; 1947, prior years	1949	154	Registration books; local option; school elections	1949	99
Hand bills; placed in motor vehicles on highways	1949	350	Registration renewal certificates; affidavits, residents working elsewhere	1949	131
Handwriting analysis; profession; occupational license tax, requirements	1959	283	HARDSHIP STATUTE		
HARBOR MASTERS			See also: PROBATE LAW		
See also: PILOT COMMISSIONERS; PORTS AND HARBORS			County commissioners, discretionary powers	1945	315
Appointment by governor, conditions precedent to	1937	351	Foreclosed lands; reconveyance of tax, eligibility of former owner	1945	311
Boats; fees; Key West harbor; state discrimination	1949	347	Former owner, recovery by heirs	1947	209
Citation of statutes	1935	774	Repurchase of property, revival of liens	1945	317
Commission, effective date; official records of predecessors, entitled to	1949	576	Time at which title vests in county	1947	210
Duties and expenses, application of law	1933	629	Hardware mutual casualty company		
Fees			See: INSURANCE		
Collection			Harelip; treatment	1935	502
From steamship company using its private docks at Stock Island	1955	770	Hatch act; political parties and appointive boards, dual membership	1941	796
Method	1951	452	HAVEN OF GRACE, HOME FOR AGED		
Commissioned appointees; entitled fees only upon presentation to predecessor	1949	576	Additional construction, architect's permit; requirements	1953	519
Duties, etc., generally	1931	363	Hotel and restaurant license, requirements	1953	519
Indirect services	1945	480	Hawaii highway revenue bonds; tax liability against holders	1957	9
Jacksonville; powers; duties	1949	576	Head notice; delinquent tax list, publication	1933	136
			Head of family; taxation, exemption of five hundred dollars	1927	459
			HEALTH		
			See also: VITAL STATISTICS, BUREAU OF		
			Appropriation	1933	380
			General		383
			State board of health	1935	406
			Budget commission; rental contract; authority; Pinellas county	1949	191
			Cigarette tax fund, use of, to eliminate hazard	1953	296

Subject	Year	Page
HEALTH (cont.)		
County commissioners may contract for beds in tuberculosis sanitariums	1935	233
County health units		
Borrowing against anticipated revenue; county commissioners without authority	1937	55
Bulldozer for use in sanitary land-fill operation; withdrawal of funds from state treasury for purchase	1957	729
Contributions by municipalities	1945	258
Dental internship, not allowed	1951	583
Directors		
Handling of plumbing inspectors' fees	1951	255
Residential qualifications	1933	435
Dual employment; employees serving as plumbing inspectors	1951	255
Employees; retirement status	1955	1
Municipal ordinances, enforcement; without authority or jurisdiction	1957	691
Officers		
Milk; publication of grades	1945	605
Nature of employment	1955	687
Venereal disease infected persons; transportation to quarantine hospital	1943	352
Plumbing inspector; supervision	1947	461
Property; state fire insurance fund; not insurable	1957	634
School funds		
Disbursement	1951	393
Use for support; county board without authority	1937	26
Septic tanks and privy structures; manufacture	1949	200
County judges; adjudication of mental incompetency; powers	1949	424
Drug stores with registered pharmacist required to pay license tax	1933	23
Drugs; hospital stock; administration by registered physician and nurse; legality	1949	467
Examination; authority of school board to pay physician	1929	357
Examining committees; compensation allowed; incompetency	1949	422
Florida state hospital		
Admission; residency in state for one year	1949	421
Insane persons; residence requirements; commitment	1949	423
Malpractice; medical staff; members; subject to suit	1949	422
Foul water; dumping outside city limits; legality	1949	416
Fund; tax collector to remit to county commissioners	1937	99
Health certificates; school teachers required to file	1931	610
Homesteads; assessment by mosquito control district	1949	418
Insane woman; commitment as "Jane Doe"; name and residence unknown, state hospital	1949	421
Livestock, killing of, by health authorities	1909	50
Maternity and infant care		
Emergency plan; legality of amendment	1943	347

Subject	Year	Page
HEALTH (cont.)		
Maternity and infant care (cont.)		
Maternity homes; licensing by state welfare board	1945	540
Obstetrics; limitation on practice	1943	346
Modified health unit; county commissioners and state health officer; duties of	1937	260
Mosquito control districts	1935	772
Preservation; fluoridation system; state board of health responsible	1949	414
Public health nurse; employment; county commissioners, authority	1931	531
Records; inspection, private citizen	1931	878
Sanitary code; sheriffs' duty, authority for enforcement	1955	333
Sheriff's fees; prisoners; venereal diseases	1949	415
Special, local and population acts; salaries of personnel; effect	1955	687
State board of health		
Acquisition of certain property from city of Pensacola; reversion clause	1947	414
Administrative or supervisory work, county school funds not authorized to be used	1931	418
Adopted person, issuance of new birth certificate	1939	308
Anatomical board; designation of representative on board	1953	345
Animals ordered killed; appraisal, method	1909	50
Anti-rabies campaign; authority	1943	341
Appointments, dual	1941	518
Apprentice embalmer in military service entitled to credit only when performing service connected with embalming	1939	306
Appropriations law, construction	1931	419
Arthropod control, establishment and operation; authorized	1957	877
Birth certificates See: VITAL STATISTICS, BUREAU OF		
Births See: VITAL STATISTICS, BUREAU OF		
Bonds and proceeds from county commissioners, receiving	1923	211
Bureau of vital statistics See: VITAL STATISTICS, BUREAU OF		
Certain powers and duties of	1907	70 116
Child born after divorce of parents should be registered as legitimate	1937	246
Children		
"Deformed in feet or limb" defined	1913	161
Tuberculin test on; written consent of parents required	1959	415
Chiropractic physicians not authorized to prescribe, dispense and administer narcotics	1939	312
Common law action by board; proper name of party plaintiff	1947	411
Contracts; P. W. A.	1941	513
County buildings, duties	1931	222
County commissioners and state health officer in modified health unit, duty	1937	260
County mosquito control; contribution	1951	521

Subject	Year	Page
HEALTH (cont.)		
State board of health (cont.)		
Dairies and milk plants; jurisdiction	1947	472
Dead bodies, transportation	1941	510
Death certificate		
Certain doctors authorized to sign	1931	416
Correction not authorized	1923	181
Death records, preservation	1941	523
Deceased patients, burial expenses	1921	350
Delinquent taxes payable only in cash	1937	500
Dental laws, enforcement	1941	511
Dentists not required to register	1937	253
Detention hospital, diseased prostitutes, maintenance, federal grant	1941	511
Director, registrars and clerks, payment of additional compensation by social security board to	1939	309
Doctors, annual registration	1927	247
Dog quarantine; enforcement by sheriff	1947	415
Drug act, violation of; misdemeanor and imprisonment in county jail	1933	437
Drug inspection division not authorized to make arrests or searches of narcotic addicts	1939	310
"Drug sundries," wholesale dealers, use of title, employment of registered pharmacist	1941	637
Drugs, narcotics	1935	479
Dump, power to remove if a menace to public health	1923	177
Electro-therapeutists and professional masseurs should have certificates issued by	1927	250
Emergency maternity and infant care plan; legality of amendment	1943	347
Employees		
Absent; compensation	1923	248
Commissioned as notaries public; payment of costs	1943	344
Compensation	1923	248
Expense, not proper	1923	178
Expenditures	1919	123
How governed	1921	271
Expenses, newspaper advertising	1925	204
Expenses, newspaper advertising	1921	242
Federal grants, sanitation projects, military areas, acceptance	1941	514
Federal health service; negligent acts of employees, liability	1947	411
Fees		
Collection by bureau of vital statistics to pay salaries of employees	1937	245
Duplicate reports, issuance	1941	521
Liability of state registrar	1941	524
Fluoridation system; installation; preservation of health	1949	414
Funds, authority to appropriate for a certain purpose	1917	378
Funeral directors, regulation	1935	585

Subject	Year	Page
HEALTH (cont.)		
State board of health (cont.)		
Goat dairies, milk produced for commercial sale; promulgating and enforcing rules, etc.; jurisdiction	1959	278
Governor authorized to transfer from other fund certain sum	1927	123
Health building, fees for construction, authorization	1937	244
Health officer, action for damages; legal counsel furnished by state; insurance, with waiver of immunity	1959	59
Herd of five cows or less; promulgating and enforcing rules, etc., jurisdiction	1959	278
Hog cholera serum See: HOG CHOLERA		
House for state health officer, personal checks to pay for immunity, liability of health officers to suit, liability insurance, legal representative furnished by state	1921	114
Inadequate funds to meet requirements; power of	1959	59
Indigent tuberculosis patients, acceptance of county funds for hospitalization	1915	207
Inspectors; deputizing by hotel and restaurant commissioner	1947	429
Jails and prison camps	1953	522
Inspection	1935	475
Rules and regulations authorized	1943	175
Lepers; designation of leprosarium	1931	420
Library books, etc.; binding out of state; legality	1935	477
Manatee county fund should be remitted to county commissioners	1947	374
Masseurs	1937	99
Board members; expenses	1943	423
Registration	1943	424
Medical laboratory proprietors; expenses	1949	465
Medicine, license to practice, etc., registration	1927	249
Members		
Liability for damages in operation of automobile	1941	517
Membership dues, various organizations; reimbursement	1951	577
Mileage and per diem	1933	438
Merit system rules; proposed amendments; validity	1945	259
Midwives		
Licenses	1941	614
Qualification for license; osteopathic physicians as sponsors	1949	450
Registration fees, refunds	1941	613
Registration not required	1927	248
Regulation of practice	1945	566
Milk and milk products		
Labeling; abandonment during emergency	1943	345
Publication of grades	1945	605
Regulations	1947	473

Subject	Year	Page
HEALTH (cont.)		
State board of health (cont.)		
Milk and milk products (cont.)		
United States public health service milk ordinance; municipalities may adopt by reference	1939	307
Mosquito control districts, powers, expenses	1935	482
Motor vehicles		
Disposition	1941	510
Equipment, purchase	1941	120
Purchase	1941	119
For venereal disease hospitals	1943	343
Municipal public works	1935	474
Narcotics		
Drug addicts; commitment to state prison	1943	365
Drug law		
Enforcement authorized	1937	247
Physicians prescribing and dispensing drugs, construction of law	1937	248
Warrants and prisoners, construction of law	1937	247
Inspectors; appointment, supervision, compensation and bond	1943	366
Licenses		
Drug stores, denial on ground of immoral character	1933	436
Granting	1933	435
Wholesaler's	1943	367
Narcotics bureau; clerks and stenographers, authority to administer oaths	1947	432
Violations; jurisdiction of courts	1943	367
Naturopathists required to register under the law	1927	249
Nonresident physicians		
Certification to federal bureau of narcotics	1943	348
Registration when employed by United States health service	1943	344
Nuisances; landlord-tenant responsibility	1943	357
Officers and employees, traveling expense allowance, authority	1904	24
Optometrist; no authority to prescribe narcotic drugs	1949	415
Osteopaths		
Law construed	1929	268
Registration	1927	255
Oysters; rules and regulations governing handling, authority to promulgate	1925	265
Patent medicines and certain drugs may be sold without a registered pharmacist in charge	1933	438
Per diem of members	1937	260
Pest control commission; constitutionality of proposed law	1945	86
Physicians and surgeons		
Certificate of registration, issuance	1941	520
Examinations, commissioned medical officers in army and navy	1935	478

Subject	Year	Page
HEALTH (cont.)		
State board of health (cont.)		
Physicians and surgeons (cont.)		
Military service, waiver of fees	1941	615
Practice of medicine without registration, preparation and sale of plaster for cancer removal	1935	472
Reports, inspection	1941	120
Physiotherapists, laboratory services	1941	516
Plumbing and drainage, constitutionality of statute	1941	521
Post mortem examinations	1935	477
Powers and duties, contract with P. W. A.	1941	513
Printing for, contract with state printer	1905	101
Proceeds from former state tax levy; use	1947	412
Program financed by phosphate companies; authority	1947	412
Property sale; use of proceeds to match federal funds for building construction	1957	474
Proxy marriage; recording by bureau of vital statistics	1947	420
Quarantine, maintenance	1921	288
Real property; acquisition; conveyance; consideration	1947	413
"Reconstructed ice cream"	1925	266
Records		
Certification, rubber stamp, signature	1941	523
Destruction	1941	521
Registration and fee		
Physician		
Change of residence	1927	248
Enjoined from practicing	1945	521
Practitioners of the healing arts in military service, waiver	1941	615
Revocation of, not warranted	1927	251
Repair of buildings, competitive bids	1935	481
Research; deposit and disbursement of contributions	1937	252
Rules and regulations		
Penalty for violation	1935	471
Promulgated; prosecution sustained for violation	1949	414
Sanitary agents, arrests by	1941	521
Sanitary nuisances; municipal	1921	323
Sanitation and quarantine regulation, violations; effect as to sustain prosecution	1949	414
Schools		
Funds, county; disbursement to; legality	1951	393
Teachers required to file health certificates	1931	610
Segregation, to provide for	1917	377
Sewage disposal; duties of health units	1945	579
State convicts not available for drainage projects	1931	418
State, county, municipal or private institutions; promulgation and enforcing rules, etc.; jurisdiction	1959	278
State health building, construction of chapter 18150	1937	2

<u>Subject</u>	<u>Year</u>	<u>Page</u>
HEALTH (cont.)		
State board of health (cont.)		
State health officer, additional salary, construction of law	1937	254
State hospital; commitment of aliens	1943	359
Stream pollution laws; responsibility for enforcement	1949	400
Structural pest control; powers	1947	470
Supplies, purchase	1941	522
Swimming pools, supervision	1941	667
Theraputists required to register under law	1927	249
Trucks, equipment, etc., title transfers; mosquito control district, authority	1951	521
Trust funds, disposition of interest, under will	1937	254
Tuberculosis board; reimbursement for care of patients limited by §1313, 1927, C. G. L., authority	1933	439
Vaccination; rules and regulations; authority	1917	447
Venereal disease See: VENEREAL DISEASES		
Veterinarians not required to register	1927	247
Vital statistics See: VITAL STATISTICS, BUREAU OF		
State health officer		
Additional salary from other board; acceptance	1937	254
Appointment	1919	86
Expenses	1919	263
General authority of, as an "executive" officer of the board	1915	206
Ineligible to membership on the state board of health	1915	208
Keely sanitarium, permit for use of liquor for medical purposes	1929	173
Modified health unit, duty	1937	260
Traveling expenses	1917	214
	1935	473
State hotel commissioners; jurisdiction; buildings on leased land	1949	469
State prison superintendent; chief physician; narcotic patients; occupational therapy; authority	1949	425
Tax collector to remit funds	1937	99
Tubercular patients See: TUBERCULOSIS HOSPITALS		
Tuberculosis board, state See: TUBERCULOSIS HOSPITALS		
Voluntary health organization		
Financial statement, fee for filing	1959	229
Registration fees, statute containing apparent typographical error; interpretation	1959	229
HEALTH CERTIFICATES		
Bureau of vital statistics, fees to pay salaries of employees	1937	245
Chiropractic physicians, issuance by	1927	130
	1941	630
	1949	471
Hotel commission authorized to make rules and regulations	1937	352
Hotel employees, only licensed physician may issue	1939	541

<u>Subject</u>	<u>Year</u>	<u>Page</u>
HEALTH CERTIFICATES (cont.)		
Naturopathic physicians, issuance by	1941	626
		630
	1949	471
Osteopathic physicians, issuance by	1941	617
Physicians		
Certain, authorized to sign	1927	267
Competent to sign	1929	268
School teachers required to file	1931	610
Health tonic; sale prohibited under law	1927	258
Health unit directors, residential qualifications See: State board of health under HEALTH		
Health units See: HEALTH		
HEBREW CHRISTIAN ALLIANCE, HOME FOR AGED		
Additional construction, architect's permit; requirements	1953	519
Hotel and restaurant license, requirements	1953	519
Height See: MOTOR VEHICLES		
Heirs; missing; administrator of estate; payment of distributive share into court	1949	79
HENDRY COUNTY		
Courthouse site; power to convey portion	1945	312
Hospital authority; revenue certificates; mortgages; authority	1949	282
Road fund	1933	189
Surplus funds, admitted for sale, use of	1933	189
School board		
Compensation	1947	300
Property, unused school; disposal; powers	1951	399
HERNANDO COUNTY		
Board of conservation; fire fishing with gig or spear; powers	1949	409
Commissioners; purchase of fire truck; lease to city; authority	1949	172
Gas tax funds, application	1941	433
Judgment		
Payment by board of administration	1941	435
Sinking fund, application of, to payment by board of administration	1941	433
		434
Sheriff's office; commissioners; required to buy or rent radio equipment	1949	195
Hialeah shopmen's relief club; insurance regulatory laws, exemption	1953	578
Hides and furs dealers See: FURS AND HIDES		
HIGH SPRINGS, CITY OF		
Elections, state special primary; polling places; use of same room	1951	181
Trustees should comply with law	1931	396
HIGHLANDS COUNTY		
Automobile license tags, handling; construction of law	1939	488
Bond trustees; investments, surplus funds; certificates of indebtedness	1949	192
Clerk, circuit court; postage charges, reimbursement	1951	37
Commissioners		
Inspection; roads and bridges; mileage allowed	1949	176
		179

<u>Subject</u>	<u>Year</u>	<u>Page</u>
HIGHLANDS COUNTY (cont.)		
Commissioners (cont.)		
Mileage outside county limits authorized	1949	173
Roads for pleasure or commercial fishing, establishing; authority	1949	185
Constable; no authority to appoint deputy	1949	68
County attorney; compensation; filing fees of candidates for office	1947	88
Elections; polling places, race segregation	1951	180
Fish and game; caretaker's salary; payment by tax funds illegal	1949	170
"No fence" laws; posting against trespass; legal fences	1945	649
Property; south Florida hospital; acquire, dispose of, authority of county commissioners	1949	177
Refunding fee, payment by board of administration from interest and sinking fund account	1941	436
HIGHWAY CODE		
See also: ROADS AND BRIDGES		
Contracts for maintenance and construction of roads, bidders, guaranty required	1955	264
County roads; width of municipal streets maintained by county under agreement	1955	388
Highway contractors See: TAXATION		
Highway patrol See: PUBLIC SAFETY, DEPARTMENT OF		
Highway patrol, Florida; pension funds See: RETIREMENT SYSTEMS		
Highway patrol officers See: PUBLIC SAFETY, DEPARTMENT OF		
Highways, bridges and ferries See: ROADS AND BRIDGES		
Hillbilly band; employment by candidate; authorized expense	1951	135
HILLSBOROUGH COUNTY		
"Adjustment balances," payment by board of administration	1941	440
Agent's charges, payment by board of administration from sinking fund	1941	441
Aviation authority; funds; no authority; public liability insurance	1949	199
Board of administration, refunding bonds, funds transferred	1941	438
Bonds		
Investment by board of administration	1941	442
Purchase by board of administration for investment	1941	436 439
Closed fishing season in, governed by general law	1933	503
County commissioners		
Compensation	1945	241
Private sale of county property; without authority	1949	172
County judge; law does not apply to fees	1931	576
Elections		
County election boards; canvassing boards; qualification	1949	97
Permanent registration system, local laws conflicting; effect	1951	105

<u>Subject</u>	<u>Year</u>	<u>Page</u>
HILLSBOROUGH COUNTY (cont.)		
Elections (cont.)		
Referendum; calling, holding, authority	1951	170
Voting places; election board; power transferred	1949	88
Fees; certain law does not apply	1931	576
Fire control district commissioner; term of appointee	1947	127
Fishing		
Governed by provisions of general law	1933	503
Licenses; extra \$1 tax; collection	1949	56
Funds payable by municipality to county health unit	1945	258
Hospital service plan of insurance applicable only to Hillsborough	1939	125
Judge juvenile court, compensation	1941	546
Justices of peace		
Abolishment of districts	1941	61
Jurors' fees; payment	1949	67
Juvenile court; witness fees; amount	1957	884
Pilot commissioners, board of, reports by; requirement	1959	131
Refunding bonds		
Board of administration, authority to exchange	1941	439
Participation in distribution of gas tax funds	1941	441
Small claims court; jurors' fees; payment	1949	67
Supervisor of registration and employees; compensation	1947	161
Tax liens; effect of law	1939	424
Taxation; McDill air force base; leasehold interests; subject to	1949	253 315
Teachers' tenure act, employment under	1941	269
Trustees; special tax school district; millage levy; change not authorized	1949	312
Historic park See: PARKS AND HISTORIC MEMORIALS, BOARD OF		
Historical associations; incorporated as nonprofit, tax exemptions	1959	757
Historical commission, county; retired county employee as member; effect of retirement benefits	1953	163
Historical record; payment for completing catalogue to W. T. Bauskett	1911	90
Historical society, Florida state; old Spanish mission; tax exemption of ruins	1947	198
Hodge foundation; Moody Bible institute; taxation exemption; property	1949	223
HOG CHOLERA		
Livestock sanitary board to include balance as part of new fund	1939	7
Serum or virus		
Appropriation		
Distribution	1939	398
Effective date; amount	1945	648
Exhaustion	1945	647
Use of other funds	1947	521
Purchase; effective date	1943	449
Board authorized to spend appropriation and distribute	1939	398
Distribution	1943	450
	1947	519
Date of commencing	1945	648
Livestock sanitary board at cost	1939	398
Livestock sanitary board; authority to order	1943	450

Subject	Year	Page
HOG CHOLERA (cont.)		
Serum or virus (cont.)		
Purchase and distribution, law construed	1939	397
Sale, deposit and disbursement of proceeds	1941	705
State board of health, funds to be used for distribution, amount	1913	160
Transportation charges, who to pay	1913	158
Vaccination fees	1943	451
HOGS		
Unmarked or unbranded; impounding; disposition	1953	568
Vaccination by county agents, not licensed veterinarians; authority	1953	498
HOLIDAYS		
See also: SCHOOLS		
Administrative personnel of schools; powers of county board	1947	307
Armistice day	1923	143
Attendance record should not show pupils present on Armistice day	1931	543
Banking hours; transacting business	1947	571
Clerks, circuit court	1917	127
Designated for Florida	1929	410
Elections, holding; Baldwin, town of	1951	185
Good Friday not a legal holiday	1919	74
Thanksgiving day designation	1943	483
HOLLY HILL, CITY OF		
Florida council for the blind; negroes, instruction not allowed, adult training center	1949	307
"Write-in" voting; voting machines; municipal elections	1949	108
HOLLYWOOD, CITY OF		
Cigarette tax fund; health hazard, use of fund to eliminate	1953	296
Municipal judge; witness under subpoena, granting of immunity; without authority	1953	176
HOLMES COUNTY		
Cattle; marks and brands	1949	482
Citizens; employment elsewhere; eligible to vote home county	1949	89
		91
		92
		94
Population act; validity	1945	90
Refunding of bonds held for investment	1941	443
School warrants, compromise of interest due	1941	237
Holmes Creek soil conservation districts; application of law	1939	422
Holt, George E.; compensation; suspension during impeachment, effect	1957	161
HOME AND DOMICILE		
See also: RESIDENCE		
Establishment	1931	492
HOME BREW		
See also: ALCOHOLIC BEVERAGES AND LIQUORS		
Unlawful to possess	1931	818
HOME DEMONSTRATION AGENTS		
See also: SCHOOLS		
Ineligible; workmen's compensation act	1949	436
HOME FOR AGED		
Hotel and restaurant license; not offered to general public; requirements	1953	519

Subject	Year	Page
HOME FOR AGED (cont.)		
Life care contracts		
Church supported; law not applicable	1953	581
Insurance commissioner, duties re	1953	590
Nonprofit corporation or association, tax exemption	1959	693
Poor and indigent persons; establishment; county commissioners authorized	1949	186
Purchase of furniture by county commissioners without readvertising for bids	1947	143
Home guard reserve; pensions, eligibility	1933	587
Home owners loan corporation bonds; security of depository banks	1935	286
Home owner's policy; insurance See: INSURANCE		
Home; poor and indigent persons, establishment; county commissioners authorized	1949	186
Home rule; Dade county charter, tax assessments and collections; procedure	1957	544
"Homemade" products; definition	1941	654
HOMESTEAD EXEMPTIONS		
See also: ALIENS; TAXATION		
Abandonment; proof	1947	279
		620
Additional allowance for other exemptions	1945	776
After conveyance of homestead	1945	288
Aids, abets, or counsels another to make false affidavit claiming exemptions; misdemeanor or violation	1957	571
Alien		
Not entitled to exemption	1935	64
Temporary visa; eligibility	1953	317
Allowance by county commissioners; appeal from tax assessor's ruling		
Annual claims; filing	1943	197
Applications; filing	1943	199
Military force; yearly affidavits	1943	199
Municipalities	1943	199
Prerequisites for claiming	1943	198
Reduction of homestead areas	1943	240
Amendment	1933	95
	1939	438
Annexation of territory to municipality; bonded debt. and maintenance tax; liability	1953	312
Applications		
Claim must be filed by April 1	1939	448
Date of acquiring	1935	79
Erroneously granted; tax roll, correction	1951	286
Filing	1943	199
General	1935	81
Head of family	1935	77
Oath	1945	330
Personal representative of decedent	1945	282
		283
Tardy filing; effect	1945	287
Withdrawn; refiled	1951	350
Area incorporated into municipality; reduction not required	1941	164
	1957	5
Armed forces, member; services; eligibility	1955	91

Subject	Year	Page
HOMESTEAD EXEMPTIONS (cont.)		
Assessments		
Join interest in	1935	239
Special benefits; taxability	1945	286
	1949	418
Beneficiaries under a will, interest of; eligibility	1957	35
Bonds, special tax school district, when exempt	1939	458
Bradenton, city of; claims	1953	220
Buildings on property considered part of, tax situs	1935	82
Camping tourist of America, non-profit corporation; members' eligibility	1955	481
Change of domicile of woman through marriage; effect	1947	279
City or town	1935	72
Claims		
City of Bradenton	1953	220
Must be filed by April 1	1939	448
Residence proof, certificates; effect	1951	355
Combination dwelling and business house	1953	313
Contiguous vacant lots, homesteader claim as part of homestead; exemption	1955	335
Contracts to purchase realty; eligibility for tax exemption	1959	482
Contracts to purchasers; vendee's possession, required	1951	358
Date of acquiring	1935	79
Debt service tax	1941	168
Declaration of intentional domicile in Florida; acknowledgment	1949	287
Dwelling within business building, extent of tax exemption	1957	170
Eligibility		
Government employees	1949	285
Noncitizens	1945	285
Occupancy; renting rooms	1945	286
Person claiming exemption as elector in school district election	1945	412
Servicemen	1945	284
Unmarried persons	1945	285
Excluded land from city subject to bond debts; debt service, tax situs	1949	289
Exemption question for court determination	1937	524
Extended absence from homestead; lease or rental; eligibility	1957	906
Extent of property	1935	787
Failure to file application because of illness; effect	1957	449
False affidavits claiming exemptions; misdemeanor violation	1957	571
Family and dependent; separate premises; exemption	1955	565
Filing annual claims	1943	197
Fire department employee; eligibility	1953	217
Fishing camp, including cottages for rent	1945	777
Forms for tax returns, furnishing	1955	262
Freeholders eligible to vote; school bond elections	1949	310
Government employees	1949	285
Home county, away from, tax situs	1957	773
Homestead, away from; lease or rental; eligibility	1957	906

Subject	Year	Page
HOMESTEAD EXEMPTIONS (cont.)		
Head of family	1935	77
Home; incomplete sale; effect	1949	288
Homesteads in city	1935	72
Hospitals		
Bond tax	1947	620
Indigents, fire control units; tax levy for Clay county	1949	286
Hotel as residence of owner	1945	281
House trailer	1951	238
Houseboat	1947	195
Household goods and personal effects, proof for exemption	1955	441
Housing cooperatives, members	1951	348
Husband and wife		
Living separately; entitled to	1939	449
When entitled to separate exemptions	1951	347
Inclusion in extended city limits		
Bond taxes	1945	777
Effect upon area of homestead	1945	264
Incompetents; lands purchased as home	1949	286
Incomplete sale; effect	1949	288
Insanity of homesteader, effect	1949	286
		287
Intangible personal property tax, bank stock owned by R. F. C., tax situs	1935	69
Interpretation	1941	164
		167
Keystone Christian Foundation; owners or holders of long time leasehold interest; liability	1957	339
Lands held in joint tenancy	1955	411
Leasehold interest		
Life of occupant, effect	1941	163
	1951	360
Owner and holder not entitled to	1939	447
Lessee stockholder of corporation owning apartment house, tax situs	1935	61
Levy of special road and bridge district taxes against homesteads; prohibited	1957	236
Liability of constitutionally exempt homestead and personality for beverage tax	1939	521
Life estates		
Extent of exemptions	1953	314
Owner; reverter clause	1951	360
Remainders, eligibility	1957	109
Taxability	1953	210
Limited partnership, partners; extent of exemptions	1951	642
Long term lease		
Lands; eligibility	1959	525
Tax situs	1951	278
	1953	312
Married women		
Husband resident of another state, eligibility	1935	60
Living apart from husband, eligibility	1947	193
Mental incompetency of owner, rental of property; effect	1947	194
Military force		
General	1941	165
Judgment of tax assessor	1949	213
Persons in service not entitled to exemption on property used for commercial purposes. (Partially overruled by opinion of February 3, 1941)	1939	524

<u>Subject</u>	<u>Year</u>	<u>Page</u>
HOMESTEAD EXEMPTIONS (cont.)		
Military force (cont.)		
Servicemen	1941	165
Unable to make application	1941	166
Yearly affidavits	1943	199
Money paid by United States under World War veterans' act, exemption	1935	59
Motor court owners residing on the court	1955	113
Multiple ownership of dwelling; aggregate exemption	1945	283
	1957	780
Municipalities granting; effect	1943	199
	1951	261
Mutual ownership corporation	1947	196
Naturalized citizen	1935	79
Nonresident owner, resident dependent occupant; exemption	1957	94
Occupancy of tenant	1947	195
Outside city or town	1935	74
Outstanding bonds, exemptions not applicable to	1935	83
Owners required to file claim for exemption	1937	522
Ownership required	1935	75
Parcels of land joined at corners only, eligibility	1955	426
Partnership property; extent of exemptions	1947	617
Payment of bonds when issued subsequent to homestead amendment, not subject to taxation	1939	458
Personal property, sales tax liens against; legality	1951	340
Persons		
Armed services; power of tax assessor	1949	213
Eligibility	1935	58
Military service; effect	1949	227
Receiving exemptions, not deprived of other exemptions	1935	82
Registered electors, not required to be; eligibility	1949	284
Residence requirements	1949	284
Title record required	1935	62
Unrecorded contracts, holding of; ineligible	1935	65
When may obtain exemption	1935	58
Prerequisites for claiming	1941	162
	1943	198
	1941	158
Private school		
Property		
Acquired after certain date	1945	284
Business purposes, used in part for	1947	619
Held in trust; tax claim; assessment	1955	104
Leased to industrial plant not entitled to	1935	66
Municipally owned, leased to county for courthouse site	1935	70
Outside city or town	1935	74
Owned by husband and wife when husband an alien	1935	66
Rental purposes; part used for	1951	352
Purchaser who is unable to obtain possession	1947	195
Qualification as elector in location different from domicile; eligibility	1957	636
Question for court determination	1937	524
Real estate and improvements thereon, application of law	1935	71

<u>Subject</u>	<u>Year</u>	<u>Page</u>
HOMESTEAD EXEMPTIONS (cont.)		
Registration for voting; prerequisite	1953	69
Relatives, tax situs	1955	262
Religious corporations, lands owned by; leases to individuals, tax situs	1953	208
Remainder after life estates, tax situs	1953	314
Remaindermen		
Eligibility	1951	349
Residing on lands, making same their permanent homes; eligibility	1959	492
Rental		
Dwelling; residence in trailer	1957	393
Owner in military service; abandonment	1947	620
Property	1941	163
		164
Residence		
Rental part time	1935	78
Requirement	1949	284
Retired employees, life estate; eligibility	1949	286
Review of application by county commissioners	1947	194
Road maintenance tax	1947	620
School district sinking fund tax; liability	1945	776
Separate exemption to husband and wife	1955	194
Special assessments		
Benefits	1935	79
Levied against; legality	1955	434
Special school district bond taxes	1947	616
Tax assessments; central and southern Florida flood control district	1949	251
Tax assessor in determination of exemption, liability	1935	239
Taxability to retire general fund indebtedness	1941	168
Taxation		
Exempt from	1937	523
Insanity; effect	1949	287
1935 roll for prior escaped taxes	1935	82
Persons drafted or called into service	1949	227
Tax roll completed; additional homestead benefits granted	1955	393
Taxability for debt service	1943	200
Wife living apart from husband	1951	346
Title of premises not recorded; effect	1953	210
Tourist camps, rental property	1941	163
Trust property, interest in proceeds; ineligibility	1951	357
Trustees' title; rights of cestui que trust	1955	496
Undivided interest; remainders; eligibility	1955	113
Unrecorded deed		
Holder entitled to	1939	448
Homesteader, effect	1955	602
Veterans; homesteading rights		
County lands subject to homesteading	1945	450
Establishing residence	1945	449
Method of locating lands	1945	450
Taxation of entered lands prior to conveyance	1947	365
Widows owning property in state entitled to	1939	450

Subject	Year	Page
HOMESTEAD EXEMPTIONS (cont.)		
Wife		
Living apart from husband	1951	346
Of citizen of South America, eligibility	1957	72
Should be denied, when	1937	525
Status	1937	524
HOMESTEADS		
See also: TAXATION		
Bond debts; improvements assessed; lands removed from city; tax situs	1949	289
Constitutional exemption	1943	198
		199
		200
		217
Declaration of domicile		
Affidavits; recorded and filed; clerk circuit court	1949	284
Florida; acknowledgment	1949	287
Deed by husband and wife; form	1947	576
Defined as pertaining to amended article X of constitution	1933	542
Devise by will, not subject to; wife entitled to dower	1931	1010
Entries, tax roll	1933	143
Fire control units; hospital for indigents; tax to support	1949	286
Freeholders, power of legislature to define, to exclude therefrom homestead owners who pay no tax	1959	159
General fund indebtedness, tax levy to retire; legality	1941	168
Hospitals and hospital districts, support of, by tax levy against; prohibited	1957	365
Incompetents; lands purchased as home	1949	286
Mosquito control districts; special taxing districts; illegal	1949	418
Property located in central and southern Florida flood control district; exemption	1949	229
		251
Sale by blind person; eligibility for assistance	1953	471
Suit to quiet title necessary	1931	860
Tax deed may be issued	1931	688
Taxation		
Effect of insanity of homesteader	1949	286
		287
Government employees; eligibility	1949	285
Property; residence; requirements	1949	284
Homicide See: CRIMINAL PROCEDURE		
Homosassa river; fishing with nets, unlawful	1939	393
Honeybees See: PLANT BOARD, STATE		
Honorary game commissioner; powers and duties	1929	278
Hoods; parades, Tampa Civitan club; permissible	1951	757
HORSE HIRE		
Allowed in certain cases	1913	179
Sheriffs	1913	76
Horse racing See: RACING		
Horse show; county public printing, contracts; regulation	1957	102
Horticultural supplies; motor vehicle for transporting, use	1933	9
Hosiery mill; taxation, exemption	1937	527
Hospital bond election See: ELECTIONS		

Subject	Year	Page
Hospital, Florida state See: FLORIDA STATE HOSPITAL		
HOSPITAL FOR THE INSANE		
Commission to locate, eligibility of legislator	1917	108
Procedure in submitting certain cases to	1907	152
HOSPITAL SERVICE PLAN OF INSURANCE		
See also: INSURANCE		
Licensing operation; applicability of chapter 19108	1939	125
Hospital survey and construction act		
See: HOSPITALS		
HOSPITALS		
Bay county memorial, chiropractors to practice in	1951	580
Bills, board cannot be sued for, when incurred by negligence of school bus driver	1933	416
Bonds		
Election; registration of freeholders, etc.	1947	111
Taxes, homesteads exempt from levy for	1947	620
Bradford county hospital corporation; officers and employees; county retirement benefits	1955	537
Bureau of narcotics; furnishing hospitals with certain information re physicians	1949	424
Cadavers, bond prior to receiving	1953	345
Changing plans; readvertising; Duval county welfare board	1947	153
Chapel owned by Catholic church; applicability of laws governing sale of alcoholic beverages	1957	513
Charitable hospital trust, tax exemption	1957	355
Charitable purposes; housing for personnel; tax exemption	1959	591
County		
Construction and maintenance; financing	1945	261
Duval county, maintenance	1921	151
Employees of certain hospitals, application of state and county retirement system	1955	488
Extension or improvements; bond issue	1953	173
Insolvent person dying; hospital bill, payment	1953	174
Jackson county hospital corporation; powers	1943	191
Revenue bonds held invalid; use of funds collected under	1957	78
Social security; status	1957	59
Statute, construction	1953	173
Trustees' annual request for funds, showing of cash-on-hand balance in fund	1957	361
Crippled childrens' hospital; school instruction; sale of alcoholic beverages near, prohibited	1951	619
Federal aid; effect of acceptance	1947	14
Florida agricultural and mechanical college		
Recitals as to wages in construction contract	1947	277
Responsibility for architect's faulty design	1949	326
Florida state See: FLORIDA STATE HOSPITAL		

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
HOSPITALS (cont.)			Hot pursuit; police officers; authority beyond corporate limits of municipalities	1945 1947 1955	737 154 593 35 105
Foreign nonprofit corporations, operation by; tax exemptions	1957	932	HOTEL AND RESTAURANT COMMISSION		
Hendry county hospital authority; Revenue certificates; mortgages	1949	282	Abatement of venereal diseases in public places	1941	661
Hospital board, appointment of unqualified person; status of such appointee	1955	916	Act creating commission	1933	387
Hotel commissioner; jurisdiction	1925	261	Alcoholic beverages, special license; lease of the bar; legality	1955	438
Housing used to accommodate their personnel, tax liability	1957	150	Apartment houses		
Indigent inhabitants; Levy; Clay county homestead exemption	1949	286	Apartment building; cooperative ownership plan; jurisdiction of commission	1949	471
Intoxicating liquors, use and possession	1933	327	Apartments and hotels, remodeling regulations	1941	662
Jackson county hospital corporation			Definition; license	1945	609
Employees, retirement system, eligibility	1951	244	Inspection license tax, subject to	1931	435 436
Powers	1943	191	Project; federal housing administration; license fees	1951	596
Key West hospitalization plan; constituting insurance	1953	628	Unfurnished; license fees; jurisdiction	1949	471
Medical and surgical expenses incurred in treatment of prisoners and indigent in a county; payment	1959	39	Appropriation	1933	384
Nonprofit hospital corporation; tax exemption	1949	514	Approval of certain plans, authorized	1923	187
North and South Broward hospital districts; state and county retirement system, officers and employees not under compulsory provisions	1957	416	Blackstone hotel, operation by Sossin foundation; commissioner, jurisdiction	1957	370
Patients, treatment by osteopathic physicians	1941	621	Boarding or rooming houses subject to inspection	1923	185
Pharmacist employed by nonprofit hospital corporation; license tax exemption	1955	120	Bookmakers and slot machines; illegal operation; authority; revoke licenses	1949	470
Physicians as drug addicts; information; bureau of narcotics	1949	324	Business within hotel building, occupational license other than hotel license	1955	544
Private; donations by county commissioners	1945	237	Butane gas heaters; old and new; overnight cabins; venting; rule 1105	1949	468
Racial segregation; tax supported hospitals; effect of segregation	1947	417	Cafeterias for shipyard workers; licenses	1943	429
Service plans			Clubs serving meals not subject to inspector's license	1915	224
Nonprofit	1943	476	Commissioner, compensation, fixing; governor and state cabinet, authority	1951	593
Services by osteopaths	1947 1951	562 683	Construction permits, when authorized to issue	1925	262
State mental institutions; superintendents; performance bond, requirement	1957	332	Convalescent homes; sanatoriums; nursing homes, etc.; jurisdiction	1949	469
Statute broad enough to include as "benevolent or charitable organization"	1931	792	Cooperatives		
Superintendents not required to be registered nurses	1933	452	Apartments, when liable for license tax	1927	267
Survey and construction program; federal aid	1945	520	Lunch room, employees only; jurisdiction	1951	595
Taxation			Cottages, rentals; jurisdiction	1951	599
Laboratory service to patients of chiropractors; furnishing or prohibiting in tax supported hospitals	1957	801	Country club members, meals served, license requirement	1955	478
Levy against homesteads for support; prohibited	1957	365	Efficiency apartments; jurisdiction	1949	473
Tubercular patients See: TUBERCULOSIS HOSPITALS			Employees		
Tuberculosis sanatorium See: TUBERCULOSIS HOSPITALS			Health certificates required; state hotel commission	1949	471
Venereal disease See: VENEREAL DISEASES			Salaries	1941	661
Veterans See: VETERANS			Enforcement powers, authorized	1923	184 192
Hostesses; nonresident manufacturers; orders, interstate commerce; license liability	1951	317	Fictitious name law, interpretation	1941	765 766

<u>Subject</u>	<u>Year</u>	<u>Page</u>
HOTEL AND RESTAURANT COMMIS- SION (cont.)		
Florida board of forestry and parks; restaurant in park; license and fee; liability	1949	468
Guests, registration; regulation re- quiring; authority	1953	514
Health		
Certificates		
Certain physicians authorized to sign	1927	267
Chiropractors and naturopaths qualified to make	1949	471
Rules and regulations re; au- thority to make	1937	352
Sanitation; buildings on leased land; taxation	1949	469
State board of, inspectors; depu- tizing; authority	1953	522
Heating equipment; tenant or land- lord; safety regulations required	1949	474
Hotel and motor court licenses, sus- pension for violation of sales tax law; authority	1953	298
Hotel commissioner		
Powers	1921	361
Salaries	1923	101
Increase; retroactive clause; validity	1947	474
Watchman, no authority to make rules as to	1917	392
Hotels		
Occupational tax in addition to license tax imposed by com- mission; required	1939	488
Post copy of laws, required; pen- alty for violation	1939	542
Serving negroes; regulations	1949	469
Using misleading advertising; authority to stop	1949	472
Housing authorities		
License and building fees; juris- diction	1949	474
Roosevelt Apartments, Inc.; jurisdiction	1949	472
Inspection fees		
Apartments, fees authorized	1927	268
Restaurants		
Operated by disabled veteran	1949	261
State owned, leased	1949	470
Unfurnished apartments; fees authorized	1923	191
Inspectors		
Operating state cars; liability for torts	1949	468
Subsistence allowance	1945	206
Jurisdiction		
Certain establishments	1925	290
Hospitals taking guests as lodgers	1925	261
Licenses		
Apartments		
Classification	1941	662
Computation of units	1941	664
Project; federal housing ad- ministration	1951	596
Charged by cities and towns	1935	493
Hotels, apartments, revocation, reinstatement	1941	665
Inspection as prerequisite	1945	606
Lodging establishments; licens- ing of individual units rented on monthly basis	1955	654

<u>Subject</u>	<u>Year</u>	<u>Page</u>
HOTEL AND RESTAURANT COMMIS- SION (cont.)		
Licenses (cont.)		
Nature; liability of disabled veterans	1947	268
Required to collect license taxes	1933	20
Restaurants		
Classification	1941	662
"Traveling concessions"	1941	667
Revocation		
Regulation	1949	472
Use of unwholesome food; authorized	1917	393
Rooming houses, hotels, apart- ment houses and certain tene- ment houses enumerated; re- quirement	1927	266 268
Tax		
Required of hotels and room- ing houses defined	1927	265
Tent houses; classification	1945	610
When required to be paid	1931	860
Vocational school, room rent, meals; exemption	1951	381
Without authority to collect; in certain cases	1929	279
Lunch counter on football field; high school student council; jurisdiction	1949	475
Maintenance fund	1923	113
Marking Florida beef; duty to en- force law; appropriation	1949	505
Method of procedure to compel in- stallation of screens	1917	396
Misdemeanors; prosecution	1943	428
Misleading advertisements; unethical practice; authority to stop	1949	472
Motor vehicles, purchase	1933	449
	1941	123
	1945	228 229 230
Nursing homes; inspection; inspec- tors; authority	1953	522
Occupational licenses; disabled veteran; exempt, sum \$50.00	1949	261
Outdoor theatres with kitchen fa- cilities; jurisdiction	1957	388
Plans and specifications, destruc- tion	1951	598
Posting printed copy of law	1935	493
Printing contracts, by predecessor	1941	362
Public toilets, use of coin-operated locks; requirement	1953	517
Regulations; word "equipment" not to cover automobiles	1949	469
Restaurants		
Definition	1941	666
License	1945	609
Interpretation	1941	667
Operated at shipyards; jurisdic- tion	1943	427
Right of persons to work; duty of commissioner	1955	433
Room rates, advertisement; without authority to determine correct- ness	1953	517
Rooming houses		
Definition	1917	398
	1927	268
	1941	666

Subject	Year	Page
HOTEL AND RESTAURANT COMMISSION (cont.)		
Rooming houses (cont.)		
Definition (cont.)		
License	1945	609
Open part of year	1915	223
Restaurant; nonprofit; jurisdiction	1949	472
"Rooms"; when counted as such	1915	221
Roosevelt Apartments, housing projects, individual units; application of definition of apartment house	1953	515
Salaries		
Appropriations bill discussed	1925	259
Officers and employees	1923	101
School lunchrooms; oleomargarine	1943	429
Space heater installations; procedure for enforcement of regulations	1953	512
State agency; restaurant building leased; operator liable for licenses	1949	470
Statutory definition of hotels	1945	606
Supervising architect		
Approval or disapproval of construction plans of public food or lodging establishment; authority	1957	861
Excess fees; claim	1949	473
Tourist camps; jurisdiction	1945	610
Transoms in hotels, compel installation	1917	394
University of Florida; rental of rooms; registration	1949	474
Vocational		
Schools; room rent, meals; license exemption; jurisdiction	1951	381
Training of hotel employees; appropriation	1947	475
Word "equipment" not to cover motor vehicles used for inspection	1949	469
World war and Spanish-American war veterans not exempt from payment of fees	1939	456
World's fair, expenditure of advertising fund for, authority	1937	631
YMCA room facilities; jurisdiction	1951	595
Hotel commissioner See: CLUBS; BOARDING HOUSES; HOTELS		
HOTELS		
Sec also: LICENSES AND LICENSE TAXES		
Alcoholic beverages		
Beverage licenses; limitation quota	1951	620
Exception license; summer operation of bar; requirement	1953	550
Hours of sale	1947	497
Athletic club; nonprofit rooming house; hotel commission no jurisdiction	1949	472
Bingo games, lottery; violations	1951	742
Certain restrictions, hotel commission	1923	184
Construction plans; approval by supervising architect of hotel and restaurant commission; authorized	1957	861
Ejection of undesirable guests		
Common law and statutory right of innkeepers	1945	608
Effect of O. P. A. regulations	1945	607

Subject	Year	Page
HOTELS (cont.)		
Ejection of undesirable guests (cont.)		
Procedure	1945	608
Fire		
Escape regulations enforceable	1913	163
Extinguishers, equipped with	1937	618
Guests		
Refusing accommodations or services, authorized, etc.	1959	304
Registration requirements	1953	514
Handlers of food, examination	1929	268
Health certificates to employees, licensed physician only may issue	1939	541
Home for aged, not offered to general public; license requirement	1953	519
Homestead exemption; residence of owner	1945	281
Lawful fire escapes	1913	264
Laws required to be posted; penalties for violation	1939	542
Licenses		
Additional license tax required	1939	486
Charged by cities and towns	1935	493
Enumerated, as required in amended law	1927	266
Liability of disabled veterans	1947	268
Not transferable	1921	281
Operation; municipal zoning ordinance, conflict with, prohibited	1951	594
Required as defined in §2124	1927	265
Restaurant license not required	1931	864
Revocation or suspension		
Room rates, legally advertised	1953	517
Violation of sales tax law; commissioner, authority	1953	298
Tax enumerated	1927	268
Violations; penalties	1949	472
Material	1923	189
Motion picture exhibitions; license taxes	1949	267
Non-union musicians; right to employ	1945	769
Occupational tax required in addition to license tax imposed by hotel commission	1939	488
Operation; municipal zoning ordinance, conflict with; prohibited	1951	594
Owners liable to prosecution	1923	192
Plans		
Approved by hotel commission	1923	187
Specifications, destruction	1951	598
Posting printed copy of law	1935	493
Protection of guests	1931	752
Records guest arrival, registration and departure; preservation	1949	470
Restaurants		
Hotel buildings; license tax	1945	350
Various locations in Florida; license requirements	1949	473
Room rates, advertisement; investigation by commissioner; without authority	1953	517
Rooming houses		
Defined	1921	386
Nursing home; comparison and distinction	1953	521
Serving negroes; rules or regulations concerning	1949	469
Slot machine statutes, construction	1935	107

<u>Subject</u>	<u>Year</u>	<u>Page</u>
HOTELS (cont.)		
Space heater installations; enforcement of regulations by commissioner	1953	512
Statutory definition	1945	606
Tax assessment, when back assessment allowed	1925	178
Undesirable guests and tenants, right to eject	1953	55
Vocational training; hotel employees; appropriation	1947	475
House bill No. 1161; construction	1927	173
House car; classification, automobiles for private use; license fees	1949	362
House concurrent resolution No. 1964 See: LEGISLATURE		
House of representatives See: LEGISLATURE		
HOUSE RESOLUTIONS		
No. 49; better business association, investigation	1937	611
No. 59; installation electric call system	1937	620
House trailer See: Trailers under MOTOR VEHICLES		
Houseboats; homestead exemption; eligibility	1947	195
Household, immediate; construction	1931	595
HOUSING AUTHORITIES		
Area of operation	1943	377
Bonds; eligibility to secure state deposits	1953	14
Employees, application of state and county officers retirement statutes	1955	322
Fees, recording, instruments, waiver by county commissioners	1941	553
Foreign public; bonds, debentures, etc.; tax liability	1955	52
Property, taxation, exemption	1941	550
Redevelopment projects; municipal limits; operation areas	1951	538
Retirement system, termination	1951	701
State banks; security for deposits	1939	20
Housing authorities, public; bonds issued by out-of-state public housing authorities; taxability of	1957	141
HOUSING AUTHORITY, REGIONAL		
Creation, procedure	1941	553
Executive committee, certain powers delegated to, by resolution; within power of	1957	776
Housing cooperatives; homestead exemptions; members	1951	348
HOUSING PROJECTS		
Bonds; exemptions	1949	479
Cooperative housing project, non-profit; capital stock tax, liability	1957	722
Documents, notes, mortgages, etc., in connection with financing; documentary stamp and intangible tax situs	1957	653
Life estate, tax liability	1951	278
Members, highway patrol; authority of; department public safety to construct	1949	366
Military bases; school board; educational facilities for residents	1949	253 315
Roosevelt Apartments, Inc., state hotel commission; jurisdiction	1949	472
State hotel commission; public housing authorities; jurisdiction	1949	474

<u>Subject</u>	<u>Year</u>	<u>Page</u>
Human tissues on slides; distribution for educational and scientific research work	1937	621
Humane laws; sections of statute	1931	838
Humus; metals or minerals, not defined as	1953	353
HUNTING		
See also: GAME AND FRESH WATER FISH COMMISSION		
Alligators; license requirement	1955	667
Closed season		
Dealers in fur	1937	621
Wild ducks	1937	349
Closed territory		
Application of law	1933	495
Penalty for violating	1933	496
County judge, fees charged	1927	358
Deer		
Construction of statutes	1935	629
Special acts	1935	631
Fairs and expositions, dioramas	1935	632
Firearms; Sunday laws; violation	1949	587
Game; Citrus county, open season	1935	627
Game wardens, powers	1905	176
Honorary game wardens, appointment as governor deems necessary	1933	496
Hunter's guides, license requirement	1955	17
Indians; reservation; subject to regulations	1953	357
Killing in areas infested with cattle fever tick	1935	628
Lake Okeechobee within boundary of Palm Beach county	1933	498
Legality on Sunday	1943	492
Licenses	1909	63
See also: LICENSES AND LICENSE TAXES		
Alligator; requirement	1955	667
County judge; fees	1913	265
	1927	358
Disposition of	1925	327
Exemption	1929	340
Forfeited	1931	435
Guides; requirement	1955	17
Nonresident children; exemptions	1951	508
Persons convicted; denied	1949	401
Private hunting preserves, occupational license requirement	1959	260
Refund of moneys	1935	627
Requirement of guest to pay	1927	371
Residence requirements	1953	432
Residents, defined	1931	565
Special act should be recognized	1931	522
Sub-agents' bond premium; cost not allowed as expense of county judge's office	1959	232
Migratory birds; federal statutes control	1933	496
Night; penalties	1945	734
Nonresidents, license requirements	1905	149 176
Open season on deer, arrest of citizen from out of county	1935	628
Persons in training military camps eligible to acquire "resident" license	1939	500
Possession of game from foreign countries	1935	661
Rabbits at night; gun and light; special permit required	1949	399
Refuges	1935	630
Separation of departments	1935	630

<u>Subject</u>	<u>Year</u>	<u>Page</u>
HUNTING (cont.)		
State-owned land leased for grazing purposes, right of lessee to hunt	1939	565
Trespassing for hunting on enclosure not posted; prosecution	1953	567
Use of firearms on Sunday prohibited	1939	564
Violators; gun as appearance bond, forfeiture and sales	1953	695
HUSBAND AND WIFE		
See also: DOMESTIC RELATIONS; WIFE		
Conveyance of property, form	1947	576
Deeds, form	1947	576
Domicile of insane wife of Florida resident	1945	532
Employment of wife by school board, husband lives out of state, claims Florida as residence	1933	398
Insanity; not grounds for divorce	1949	566
Nepotism act See: NEPOTISM		
Nonsupport of wife or children; criminal prosecution; effect of divorce action	1949	584
Notarization of husband's signature by wife; authority	1947	132
Petition for support; uniform support of dependent's law; copy of law attached	1953	58
Poll tax; husband, authorized to pay wife's	1929	381
Property assessed for taxation in name of husband	1917	368
Registration of electors; Florida residence requirements	1949	93
Separate homestead exemptions, when entitled	1951	347
Support of husband by resources of wife; old age assistance, eligibility	1953	467
Veteran, disabled, wife of; employment preference, eligibility	1951	447
Wife living apart from husband; homestead exemption	1939 1947 1951	449 193 346
Hydrocrane vehicle; self-powered machine, operation upon highways; validity	1955	497
Hygienist, dental See: DENTISTS		
Hypnotists; practice in connection with medical science, teaching or entertainment; occupational license requirement	1957 1959	740 52

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
Ice cream See: MILK AND MILK PRODUCTS			IMPROVEMENTS		
Ice manufacturer; license tax on re-tail depots	1933	35	Advertising for bids by county board public instruction not required	1929	361
Ice milk See: MILK AND MILK PRODUCTS			Assessment		
Illegitimate children See: MINORS			Bond debts; lands removed from city	1949	289
Illinois sports news; horse racing; dissemination of information; license tax exemption	1957	923	Discretionary with tax assessor	1927	446
Immediate household; construction	1931	595	Cigarette tax revenue; municipal budget; use of funds	1949	275
Immigration patrol; when subject to automobile license tax	1931	693	County tax deeds; sums paid for; refund	1949	241
IMMUNITY			State prison improvement fund; portion allowed	1949	628
Arrests; constable not entitled to	1949	599	Incinerator; state board of health vested with power to remove if menace to public health	1923	177
Witness under subpoena; granting of; municipal judge without authority	1953	176	Inclin-ator; defined to include within the term of elevator	1951	527
IMPEACHMENT PROCEEDINGS			INCOME TAX		
See also: LEGISLATURE			See also: TAXATION		
Chief justice and members of senate, status when trying impeachment	1957	172	Deductions; board of control; contributions to fund for survey of needs of higher education	1955	346
House managers, compensation; Judge Holt impeachment proceedings	1957	382	Expenses; advanced study; teachers; deductibility	1949	328
Judge George E. Holt; compensation during hearing; effect	1957	161	State employees not required to pay	1937	534
State treasurer; employment of extra personnel during; legality	1957	168	Wage tax for employees' disability benefits; validity	1951	557
Status of state senate sitting as court of impeachment	1957	172	INCOMPETENCY		
IMPORTS			Confederate pensioner; guardian or curator; pension warrant	1949	342
Meats, cold storage, inspection of; livestock board, authority	1959	5	County judges; adjudication	1949	424
Personal property tax, not subject to	1937	600	Examination of defendant by two disinterested psychiatrists appointed by court, authority	1959	143
Tangible personal property; ad valorem tax situs	1959	699	Examinations, witness fee	1949	422
IMPRISONMENT			Examining committee		
Sentence of imprisonment; state prison and county jail, confinement	1959	682	Compensation	1949	422
Sentences, consecutive and concurrent	1941	777	Effect of amendment	1953	450
Term begins on day of sentence	1913	142	Governor authorized to remove state attorney	1933	518
IMPROVEMENT COMMISSION, FLORIDA			Homestead exemption; lands purchased as home for incompetent	1949	286
Agreement with department public safety; construct houses; members, highway patrol	1949	366	Proceedings; counties; liability of costs	1959	421
Aircraft registration; distribution of fees	1947	396	Tax deed sales, application for; incompetent owners; procedure	1957	143
Airports; power to acquire and operate	1947	441	Incorporated municipalities; above certain population; operation extended within territorial boundaries; authorized	1957	776
Appropriation			Indebtedness; county commissioners authorized to set millage and make levy to pay	1937	583
Expenses, for; manner of paying out	1945	553	Indecent and obscene pictures; definition	1927	461
Use of unexpended balance	1947	442	INDIAN RIVER COUNTY		
Bonds; Palm Beach county; deposit by insurance company	1949	556	Bonds		
Development program; self-liquidating plan; Florida board of parks and historic memorials	1949	510	Cancellation of bonds unexchanged for refunding bonds by board of administration	1941	444
Funds; method of disbursement	1945	774	Custody of state treasurer; cancellation and disposition	1947	22
Hospital survey and construction program; federal aid	1945	520	Futch act, authority of board of administration to pay	1941	443
Obligations; status	1949	434	Payment county and district taxes with	1933	102
State hospital plan; racial segregation	1947	417	Elections		
			Candidates, qualifying dates	1955	291

Subject	Year	Page
INDIAN RIVER COUNTY (cont.)		
Elections (cont.)		
Registration books; closing time; general and municipal	1949	83
School board member; vacancy; appointment; term	1949	296
Fees, prosecuting attorney, fixed by law	1939	58
Indebtedness Atlantic-Gulf special road and bridge district apportionment	1941	444
Securities; duties of state treasurer as custodian	1945	98
Indian River farms drainage districts; Murphy act lands, drainage tax assessment; state liability	1951	448
Indian Rocks beach; municipal zoning; regulations	1949	211
INDIANS		
See also: SEMINOLE INDIANS		
Affairs		
Cherokee tribe; exemption from license tax	1947	252
Funds belonging to Seminoles; security	1947	570
Citizens of state; United States	1933	541
Crimes involving Indians; crimes committed in Indian country; jurisdiction	1959	473
Reservations		
Income from, use and disposition; leases and leasehold interests	1955	928
INDICTMENTS OR INFORMATION		
Arrests; capias service; justice of peace courts to county courts	1949	606
Capias; issuance after guilty plea or posting appearance bond	1947	599
Clerk of circuit court		
Fee where no information is filed	1945	104
Filing not required; cases certified to county court	1949	36
Seal omitted, how defect may be cured, when	1927	327
Constitution, state, amended §10, declaration of rights; costs of witnesses	1933	512 513
County commissioners; leaves of absence while under indictment; pay	1947	151
County solicitor		
Prosecuting attorney; power to change	1943	123
Verification before notary public	1945	744
Crime; prosecution and warrants; statute of limitations	1949	53
Failure to file	1951	778
Fees in transfer of information to newly created court of record when same originally filed in criminal court of record	1959	193
Form; requisites	1949	605
Furnishing copy to defendant after conviction	1947	607
Grand jury, indictment for manslaughter; charges raised to second degree by solicitor; authorized	1957	777
Information cannot be filed against persons for crimes committed prior to midnight of December 31, 1934	1933	511

Subject	Year	Page
INDICTMENTS OR INFORMATION (cont.)		
Robbery, when for, must lay ownership of property involved in someone other than defendant	1927	228
Transfer of, to newly created court without necessitating a re-filing	1959	188 193
Transmittal to commissioner of agriculture	1945	763
INDIGENT OR AGED PERSONS		
Aid to; duty of county commissioners to provide	1953	151
Care of; authority of county commissioners	1931	500
County		
Assistance; power of county commissioners to prescribe rules	1949	174
Commissioners; counsel fees of defendant; noncapital case; no authority to pay	1949	606
Court costs		
Payment requirements when mother is indigent	1959	144
Waiver provision where indigent mother attempts to obtain support from resident father absent from home	1959	160
Florida farm colony, disposition of bodies of deceased patients where parents are indigent	1955	881
Home for, establishment and maintenance of; authority of county commissioners	1949	186
Okeechobee county	1949	201
Homes for elderly people; nonprofit corporation; tax exempt	1949	223
Indigent children, care of; authority of county commissioners to pay necessary expenses	1931	626
Indigent prisoner; hospitalization and medical care, extent of city responsibilities	1959	219
Levy for hospitals; Clay county; homesteads; exemption effect	1949	286
Medical and surgical expenses incurred in treatment of; payment	1959	39
Private institutions; public funds not authorized	1949	27
Relief; authority of county commissioners to furnish	1923	214
Uniform support of dependents law; court cost, etc., liability	1953	61
INDUSTRIAL COMMISSION, FLORIDA		
See also: WORKMEN'S COMPENSATION LAW		
Apprentice training programs; apprenticeship committee or labor union liability to suit	1957	283
Apprenticeship council, operation; release of funds	1951	590
Certain motion, adoption not authorized	1937	325
Chief of industrial safety, position of; licensing by board of engineer examiners; liability	1959	330
Child labor laws; employment of minors in hotel which has barroom; construction of law	1939	372
Destruction of records	1943	379
Elevators		
Inspection; private employment agency funds as trust funds or continuing appropriation	1949	337

Subject	Year	Page
INDUSTRIAL COMMISSION, FLORIDA (cont.)		
Elevators (cont.)		
Regulation and inspection; dis- position of fees	1947 1951	447 527 549
Employees		
Annual leave	1941	590
Caddies, real estate salesmen, distributors	1939	360
Civilian pilot training program	1941	101
Group insurance; premiums; payment; state funds	1949	554 555 445
Residence requirements	1949	445
Employers		
Examination of books	1943	383
Foreign state; records transferred; lower experience rating, eligibility	1951	562
Insurer, controversy between, jurisdiction	1941	571
Employment		
Residence requirement	1955	505
Service office; commitment under rental lease; lack of appropriation no liability	1953	483
Evidence; photographic reproduc- tions of original records; ad- missibility	1941	75
Expense, printing and circulating periodical authorized	1937	337
Inclin-ator and stair-travelor, in- spection; authority	1951	527
Independent contractors	1939	360
Industrial survey expense; payment	1951	556
Insurance agents and adjusters taking part in hearings constitute unauthorized practice of law	1937	330
Interpretation of rules	1937	323
Irregularly paid workers, unemploy- ment compensation benefits, pay- ment in view of provisions of chapter 59-55	1959	224
Medical fee schedule adoption	1941	577
Members		
Payments to, included in one- thousand-dollar limit	1939	344
Per diem allowance	1939	350
Travel, subsistence and per diem allowance	1951	547
Merit system		
Appointments; preference	1949	440
Preferment of war veterans; passing grade	1945	557
Personal or real property, bids on; sheriff's sale under tax warrant; without authority	1953	481
Private employment agencies regu- lated; fees collected, use	1951	549
Resignation of chairman and mem- ber must be accepted by gov- ernor to be effective	1939	373
Safety rules, compliance by cer- tain employers excluded from provisions of chapter 440, F. S.	1959	615
Social security See: SOCIAL SECURITY		
Tax warrant; execution by sheriff	1945	560
Theatrical employment agencies, foreign; license, requirements	1951	570
Unemployment compensation See: UNEMPLOYMENT COMPENSATION LAW		

Subject	Year	Page
INDUSTRIAL COMMISSION, FLORIDA (cont.)		
Uniform benefit year, cigar work- ers; authority to adopt regula- tion establishing	1949	444
Vocational rehabilitation program Counselor for; subpoena issued by deputy commissioner to appear and testify in certain cases; required to respond	1959	627
Effect of statute prohibiting mis- use of records, etc.	1959	627
Witnesses subpoenaed to appear before, advance payment of compensation	1959	125
Workers' benefits; compulsory pay- roll tax; validity questionable	1949	283
Workmen's compensation See: WORKMEN'S COMPENSATION LAW		
Industrial development council, Florida; survey expense; payment	1951	556
INDUSTRIAL PLANTS		
Exempt from taxation under article IX, §12; assessment for prior debt service	1937	529
Municipality; no authority to ex- empt taxes	1949	207
Ramie fiber production plants; ex- emption from taxation	1947	275
Industrial revolving trust fund; appro- priation with surplus over and above appropriation; not to exceed five hundred thousand dollars	1957	228
Industrial safety; industrial commis- sion authorized to print and cir- culate periodical	1937	337
INDUSTRIAL SCHOOL FOR BOYS		
Commitment	1925	384
Conviction of crime; authority of circuit court	1957	850
Deficiency in sentence; pro- cedure	1945	764
Discharge	1921	97 100
Justice of peace; authority	1931	370
Juveniles, upon conviction of crime; authority of circuit court	1931	369
Nonresidents	1957 1945	850 765 768
Order of; juvenile court; termina- tion or revocation prior to child's release; judge without authority	1957	795
Period of sentence	1919 1945	91 550
Right to refuse boys when com- mitted by court	1931	360
Superintendent, authority to re- fuse under certain conditions	1931	576
Transportation of boys	1957	843
Person responsible for Sheriff	1931	636
Duties	1929	290
Fees	1921 1933	518 260
Commutation of sentence		
Authority	1917	402
State prison to school	1917	405
Employees		
Computation of salary for in- come tax purposes	1941	796

Subject	Year	Page	Subject	Year	Page
INDUSTRIAL SCHOOL FOR BOYS (cont.)			Inmates of poor farm; entitled to vote in elections	1933	343
Employees (cont.)			INNKEEPERS		
Reemployment of veterans	1945	224	Ejection of undesirable guests		
Escapee; auto larceny; determination of authority	1949	430	Common law right	1945	608
Funds; transfer between accounts	1943	238	Effect of OPA regulations	1945	607
Minor convicted of crime; sentence	1947	613	Procedure	1945	608
Nonresident physician, employment; authority	1955	459	Inquest of the dead See: CORONERS'		
Parole of inmates; authority			INQUESTS; AUTOPSIES		
Commissioners, board of	1925	243	INSANE PERSONS		
Managers, board of; refusal to accept minors	1937	199	Bringing into state	1935	775
Pardons, board of	1913	171	Candidate for elective office; effect	1947	84
Receiving, paroling and discharging boys	1925	251	Commitment to Florida state hospital		
Recommitment; method	1929	176	Acute alcoholism	1943	360
Release, when certain boys eligible	1929	174	Alien internee	1943	363
Superintendent, appointment	1913	174	Change from pay to indigent status	1945	534
Temporary release of inmate for preliminary hearing	1947	614	Criminal court of record, by	1935	764
Transfer of child convict from prison	1945	549	Custody of patient pending delivery	1945	537
Veterans; reemployment in former positions	1945	224	Fingerprinting and photographing	1941	534
White teachers not to be employed to teach negroes	1931	370	Nonresidents	1943	365
INDUSTRIAL SCHOOL FOR GIRLS				1945	531
Buildings; permanent names	1945	438			532
Colored female delinquents; institutions for detention	1945	760			535
Commitment	1921	97			538
Justice of peace without authority	1925	346	Wife of British subject	1943	360
Nonresidents	1945	768	Procedure for	1933	630
Order of; juvenile court; termination of revocation prior to child's release; judge without authority	1957	795	Residence requirements	1947	422
Transportation of girls; fees of sheriff	1935	271			423
Dairy fund; application of five funds act	1945	766			424
Employees, coverage under workmen's compensation law	1941	571	Transportation	1949	423
Proceeds of farm; disposition	1935	788	Destitute patients; payment of expense	1941	537
Utility men may be paid	1937	7	Sheriff's expenses, payment	1945	126
Warrant to be credited "operating fund, industrial plants"	1925	84	Unknown woman; eligibility as Jane Doe	1907	180
Industrial schools; funds of inmates, investment in federal savings and loan associations; authorized	1959	467	Conviction and sentence of person previously adjudged insane	1949	421
Industries, new; tax exemptions	1951	302	County	1947	425
Infants See: MINORS			Jail; examination by sanity commission; cost of feeding; payment	1949	190
Information See: INDICTMENTS OR INFORMATION			Judges; fees in insanity cases	1947	424
Information booths; survey centers; main highway; state road department; authority	1949	381	Officer; retirement benefits; shortage in accounts; payment	1955	772
Inhabitant; definition	1925	234	Criminally insane transferred from state hospital to state prison	1949	423
Inheritance and estate taxes See: ESTATE TAXES			Criminals		
INJUNCTION			Out-of-state inmate; transportation to Florida state hospital; return transportation to sister state	1943	363
Delinquent tax sale; dismissal of injunction suit	1957	580	Transportation by Florida state hospital	1941	538
Proper remedy for removal of fences from lands	1933	603	Divorce; insanity not grounds for	1949	566
Inland navigation district taxes; state property not subject to assessment	1949	345		1957	928
Inland waterways west coast inland navigation district commissioners; funds allowed; survey	1949	346	Domicile of wife same as husband	1939	543
Inlet districts; power to issue tax anticipation certificates	1947	150	Examinations		
			Competency, nonresidents	1945	538
			Supposed insanity, fees in cases of	1905	167
			Exempt from taxation	1923	123
			Florida state hospital		
			Apprehension of escaped and furloughed patients; fees for	1935	777
			Detention of furloughed patient by sheriff; fees	1945	117
			Funeral expenses; recovery from estate	1945	533
			Guardianship after release	1945	727

<u>Subject</u>	<u>Year</u>	<u>Page</u>
INSANE PERSONS (cont.)		
Florida state hospital (cont.)		
Release of criminal; consent of committing court	1945	747
Restoration of citizenship	1935	763
Former charge of other state; entrance, Florida state hospital; legal residence requirements	1949	421
Guardians, appointment	1941	533
Homestead exemption		
Home rented because of mental incompetency of owner	1947	194
	1949	286
		287
Incompetency hearing; service of notice	1945	536
		537
Indigents, cost of maintenance	1941	535
Inheritance rights	1943	487
Judicial inquiries of insane; constables, serve process of county judges	1949	60
Lunacy proceedings		
Compensation, examining physicians	1931	581
Fees	1931	566
State convicts; recovery of costs from state by county	1947	47
Maintenance by city of Miami	1941	535
Miami retreat, inc., mental patients; county commissioners; member as receiver	1949	577
Minor under fifteen years of age; disposition	1947	428
Prisoner, suggestion of insanity; jurisdiction	1945	748
Procedure in cases	1907	152
Reciprocal agreement; exchange of patients; Florida state hospital	1949	422
Recommitment to Florida state hospital after discharge	1935	765
Restoration to mental competency of persons declared insane by criminal court of record; county judge without jurisdiction	1957	744
Supposed insanity, procedure in cases	1905	151
Tax deed sales, application for; incompetent owners; procedure	1957	143
Tax exemptions	1941	156
INSECTICIDES AND FUNGICIDES		
Chapter 17992; construction	1937	577
Label, information on; construction of statute	1937	622
Registration with commissioner of agriculture required	1939	544
INSOLVENT PERSONS		
County hospital, account, payment	1953	174
Transcript of record, county payment for	1935	806
INSPECTION		
Automobile, authority to purchase under certain conditions with general inspection funds	1933	563
Board; authority to control prices of milk sold to government hospital	1933	563
Citrus fruit, grade and maturity	1935	718
City ordinance not abrogated by milk board law	1933	560
Commercial feeding stuffs		
Bulk, cannot be held to be when sold in bags	1933	561

<u>Subject</u>	<u>Year</u>	<u>Page</u>
INSPECTION (cont.)		
Commercial feeding stuffs (cont.)		
Tag and label	1935	719
Disposition of surplus funds	1935	783
Egg classification law with reference to advertising; classification must be plain	1933	562
Fee		
Fertilizers	1941	704
Gasoline, collectible from federal agency	1933	76
Hotel commission authorized to collect from certain apartment operators	1927	269
Fertilizers		
Analysts	1935	717
Commercial; form of label or stamp showing payment of inspection fee	1933	564
Tags and certificate of state chemist, forms	1935	717
Florida merit system; public records	1949	165
Food, drug and fertilizer division, expenses, payment	1923	106
General inspection fund, use to bring convention to state	1935	716
Ice cream, all products used in manufacture of, except fruits, nuts and flavoring must be pasteurized	1933	559
Meats, cold storage; imports from points without the United States; livestock board, authority	1959	5
Milk		
Pasteurization required when used in ice cream, etc.	1933	560
Prices fixed by board govern	1933	561
Public records		
Any citizen, authority	1933	588
County commissioners, every three months	1933	217
Racing commission; annual racing applications	1953	543
Refund for cost of tags	1935	719
Roads and bridges; mileage not allowed county commissioners	1949	179
Sales tax records; public and confidential; inspection by public	1957	680
Tax		
Gasoline		
Collectible on all handled in state	1927	200
Liable for, when	1927	208
One-eighth cent per gallon cannot be collected on sales to government	1927	215
Kerosene, gasoline and signal oil sold by foreign corporations to companies in state, if collection required	1925	237
Roll, public may inspect	1957	817
INSPECTORS		
See also: ELECTIONS		
Bureau of inspection, governor may appoint for	1927	214
Chemical division		
Appointment of	1923	168
Traveling expenses	1923	169
Citrus fruit; qualified to act when oath and bond given	1925	241
Elections		
Biennial school district; number; method of selection	1949	102
County commissioners may appoint additional, when	1927	326

Subject	Year	Page
INSPECTORS (cont.)		
Elections (cont.)		
Identification and challenge of electors, duties as to	1929	365
Primary; appointment	1949	103
Food and drugs		
Adulterated or misbranded goods; authority to attach	1913	136
Appropriation for	1913	70
Expenses of	1923	100
Value of samples taken to be tendered by	1913	131
Hotel commission; automobiles not included in word equipment	1949	469
Lumber; appointment, qualifications and duties	1925	70
Marks and brands; appointment and removal	1931	226
Motor vehicle, traveling expenses authorized to be paid, when	1925	196
Naval stores		
Division of fees for inspection	1917	391
Nonresident inspection	1917	407
Plumbing; certain jurisdiction	1927	346
Railroad and public utilities commission, appointed as deputy sheriff; sheriff's fee	1957	198
Railroad commissioners; requests for services of	1907	98 131
Rural school; governor not authorized to increase existing appropriation for traveling expenses	1925	224
Salaries, payment	1925	167
State chemist and assistants shall be	1923	170
State plant board; overtime employment; with federal government, eligible to participate	1951	422
Institute of government; receipts from publications, etc.; expenditure	1947	351
Institutions of higher learning See: STATE UNIVERSITIES		
INSTRUMENTS		
Acknowledged; duty of clerk circuit court to record	1949	562
Collateral agreements between banks and corporations; documentary stamp tax, liability	1953	269
Filed for record in deputy clerk's office; time stamp; recorded when filed	1957	499
Negotiable		
Bank investments; anticipation certificates; courthouse and jail	1949	194
Court registry draft lost; duplicate issuance	1949	561
Public record, filed for; clerk, personal signature on	1955	90
Transcripts; will and codicils; filing or recording by county judge	1949	564
INSURANCE		
See also: CORPORATIONS; SURETY COMPANIES		
Accident		
Advertisement, if certain in violation of §4268, R. G. S.	1927	209
Customers, when valid	1927	206
Adjusters		
Agent's license, eligibility	1945	673
	1947	538
		539
	1953	620

Subject	Year	Page
INSURANCE (cont.)		
Adjusters (cont.)		
Attorneys; necessity of license	1947	254
Claim adjusters for self insurers; person other than attorney; license	1957	347
Examination fee, when refunds payable	1957	159
Occupational licenses; requirement	1953	276
Resident; license fee refundable under certain conditions	1959	604
Salaried and independent, distinction	1941	222
Solicitor's license, eligibility	1945	673
		678
	1947	542
Agency		
Contract; approval by insurance commissioner	1949	532
Definition	1943	469
Employees; insurance written for; commissions on; violation	1949	534
Insurance written for employees; commissions illegal	1949	534
Agents		
Accidental death policies; examination and qualification requirements	1949	531
Adjuster		
License; eligibility	1947	538
		539
	1953	620
Taking part in hearings; constitutes practice of law	1937	330
Application for licenses; special funds; filing fees	1949	533
Appointment by agency; insurance commissioner authority; disciplinary proceedings	1949	532
Commercial property insurance policy; cancellation, power of agent	1957	294
Commissions	1935	609
Acceptance by nonresident agent; legality	1949	529
Delivery of by life agents to corporations of which they are officers	1947	539
Division		
Among agents	1917	286
		290
	1951	653
By partnership members not licensed as; unlawful	1953	606
With nonresident agent	1949	529
Payment to former agent	1947	540
		541
Company director; ineligible to serve	1949	535
Corporate income, distribution of	1945	678
		679
Corporation		
Agent of title insurer; proposed law	1945	677
Supervisory general agent, license	1951	656
Counselor; license	1949	535
County license	1917	283
Coverage for client in nonadmitted carrier; authorized	1957	660

Subject	Year	Page
INSURANCE (cont.)		
Agents (cont.)		
Directors of companies; ineligible to serve as agent	1949	535
Disciplinary action determined by insurance commissioner	1949	530
Employees; commissions on insurance written for; violation	1949	534
Examination requirements; accidental death policies	1949	531
Fees		
Application for licenses; special funds	1949	533
Division of with nonresident agent	1949	529
Indemnity bond; countersignature required	1949	538
Insurance commissioner may refuse to issue renewal license	1927	213
Interinsurance exchanges; chapter 17069 not applicable	1939	123
Liable to prosecution, when	1931	797
License	1921	174
	1935	610
Acceptance of commissions by one not licensed; legality	1945	678
		679
Accident and health	1941	724
Alien; United States citizenship not required	1949	534
Automobile dealers	1943	465
Automobile insurance; limited license	1945	672
Cancellation; hearing; charges	1945	665
		675
Commissions	1929	246
County occupational	1941	222
		223
		224
Disabled veterans; liability - for tax	1945	349
Employee of		
Bank	1941	725
Finance company	1941	724
Felony conviction, eligibility	1951	652
Fire and casualty	1941	725
Foreign marine underwriters; necessity of license	1945	676
		683
Fraternal benefit societies	1945	694
Limited licenses; automobile dealers	1943	468
Occupational; counties other than residence	1945	784
Office of insurer; eligibility	1945	672
Qualifications	1943	469
	1945	673
Reciprocal insurance; nonresident's eligibility	1945	680
Renewal		
After discharge from military service	1941	224
Authority of commissioner	1945	671
Residence requirements	1941	726
Resident of Cuba; eligibility	1945	670
Revocation	1941	724
		726
Solicitor	1943	467
Eligibility of adjuster	1945	678
Liability of blind person	1945	346
Qualifications	1945	673
		679

Subject	Year	Page
INSURANCE (cont.)		
Agents (cont.)		
License (cont.)		
Special and limited; examinations	1943	468
Suspension; supersedeas bond, personal check as	1951	654
Temporary		
Fees; refunds	1959	604
Issuance pending investigation	1941	726
Life insurance company president may qualify	1949	530
Nonresident license tax	1943	464
Not entitled to recover commissions when not licensed under chapters 6208-6212	1929	246
Occupational license tax, county; nonresident	1947	258
Ocean marine risks, placing of, with nonadmitted insurers; agent without authority	1953	613
Officer or employee of fire or casualty company; eligibility as	1953	620
Percentage of commissions, donation to charitable or religious organizations; legality	1951	645
Policies and payment of commissions, construction of law	1929	246
Property owner; nonadmitted insurer; transaction directly with; violation	1949	533
Qualification		
Law, violations	1941	727
Requirements	1949	531
		534
Reciprocal or interinsurance; countersignature not required	1949	536
Reinsurance; Florida risk; admitted insurer; with nonadmitted insurer	1949	533
Required qualification newspapers; district managers	1949	531
Residents and nonresidents	1943	469
Special licenses; filing fees	1949	533
Surrender of commissions to employer	1941	724
Tax collection agency; payment; licenses and license taxes	1949	246
Undertaker		
Fire and casualty agent, qualifications and licensing	1951	584
Sick and funeral benefit insurance agent	1947	556
Workmen's compensation coverage; negotiation by agent	1949	530
Agreements		
See also: Contracts, this heading		
Budget plan, validity	1955	25
Constituting insurance; "car life guaranty"	1949	525
Contract of insurance		
Television picture tube service	1951	651
Window glass kept in good repair	1949	519
Foreign fire company and Florida corporation	1949	518
Premium financing company with insurers; validity	1955	672
Reinsurance or retrocession; domestic insurance companies; commissioner approval	1955	24

Subject	Year	Page
INSURANCE (cont.)		
Alien insurer; voluntary deposit, transfer of, to superintendent of insurance, New York	1953	584
American title and insurance company; insurance commissioner; premium reserve; credit allowed	1949	522
American tract society; New York; annuity gift agreement	1949	529
Annual reports; resident agents for service of process; construction of statute re requirement	1957	805
Annuities		
Contracts		
Do not constitute	1937	152
Gross premium tax	1947	245
		246
Intangible taxation	1947	237
Policemen's retirement fund; annuity contract purchases; refunds; responsibility of participants; powers of trustees	1957	659
Religious or charitable organizations; annuities in return for gifts, etc., legality	1957	658
Writing by religious organizations does not constitute insurance	1937	152
Documentary stamp tax, liability	1959	651
Donation to educational institution; intangible personal property tax	1947	238
Intangible personal property, tax on	1933	59
Mortgages, monthly installments under contract; tax situs	1953	257
Taxation as intangible personal property	1945	327
Anti-coercion clause, application of	1953	608
	1957	92
Anti-mosquito district; truck and cars, liability	1949	417
Appearance bonds		
Aggregate for one defendant	1943	478
Limited surety companies liability; limitation	1951	699
Application of requirement concerning extent of coverage	1939	117
Assessment		
Legal reserve life company; eligibility to transact business in Florida	1947	549
Plan, insurance on	1911	70
Assets; investment in mortgages insured by F. H. A.	1947	535
Associated factory mutual fire insurance companies; gross receipts tax, basis for payment of	1959	42
Association members; group policies; employees, municipalities and school board	1949	543
		544
		555
Assured home ownership plan, validity	1951	688
Atlantic National insurance company, home office in state, exemption of premium taxes	1959	186
Attorneys as adjusters; license	1947	254
Attorneys-in-fact not required to comply with foreign corporation law	1929	245

Subject	Year	Page
INSURANCE (cont.)		
Auto warranty company, proposed warranty of; forms; contract of insurance	1955	843
Automobile		
Clubs or associations, guaranteed arrest bond certificates; form	1951	693
Mechanical and electrical breakdown insurance; legality	1947	537
Aviation authority of Hillsborough county; authority to purchase	1949	199
Aviation, industry having to do with; coverage, premium receipt tax, exemption	1959	132
Axe Houghton stock fund, inc.; Axe insured investment plan; validity	1955	680
Bail bonds		
Defendant's release; issued by limited surety agent not qualified in county wherein warrant issued; legality	1957	423
Limited surety companies; amount limited	1951	697
Bail bondsmen		
See also: BONDS		
Examination fee, when refunds payable	1957	159
Banks		
Assignment of insurance policy; premium financing; legality	1957	548
Deposits of state funds; FDIC coverage	1945	711
Benefit program; proposed in relation to; constitutes business of insurance	1953	587
Benevolent mutual benefit associations	1939	119
Accident policy, civilian war risks, issuance	1941	741
Assessment		
Certificate holders for losses	1941	741
Policyholders to raise initial deposit	1941	742
Certificate assignable; payable in cash only by insurer	1933	471
Contracts; effective date	1943	476
Definition; expenditures from guaranty reserve fund	1945	700
Deposits required	1939	134
Florida east coast railway, employees; insurance laws, exemption	1951	682
Guaranty reserve fund		
Purpose	1945	701
Reinsurance; distribution of pro rata share	1947	557
Transfer of pro rata part	1947	560
Initial deposit, assessment	1941	742
Insurance commissioner		
Authority to require plan to levy special assessments	1939	119
Disapproval of proposed policy not authorized	1939	119
Reinsurance; proposed agreement; approval	1949	550
Intangible personal property tax; exemption	1955	409
Legal right to raise assessment rate	1939	119
Liquidation, disposition of deposit	1941	743
Nonprofit hospital service	1943	476
Policies		
Approval of form by insurance commissioner	1941	744

Subject	Year	Page
INSURANCE (cont.)		
Benevolent mutual benefit associations (cont.)		
Policies (cont.)		
Reinstatement, extended benefits	1941	745
Solicitation of funds, construction of §§617. 22-617. 25 relating to	1955	325
Ultra vires agency contract; reimbursement by association	1945	703
Withdrawals from guaranty reserve fund; conditions	1945	705
Benevolent or charitable organization; statute board enough to include	1931	792
Blue Cross; stock insurance company; funds; contributions; investments	1949	552
Board of control		
Automobile liability	1949	327
Liability insurance	1947	333
Travel insurance for personnel; payment from public funds prohibited	1959	646
British underwriters; applicability of Florida laws	1945	676 683
Brokers dealing in	1923	135
Budget plan agreement; validity	1955	25
Builder's risk insurance coverage; loss payable clause; board of control	1953	336
Buildings in special tax school district	1933	409
Burglary insurance		
Provided with purchase of portable safe; legality	1955	38
Tax collector's bond; payment of premium	1947	128
Burial insurance		
Agent; eligibility of funeral director	1945	696
Companies unauthorized to operate insurance business	1933	475
Deed of trust to insurance commissioner; release	1945	698
Real estate in trust; conveyance; release	1943	475
Release by commissioner of deed of trust	1945	698
Sale of burial supplies and services; agreement; preneed contract law not applicable	1953	630
Whether certain agreements violate laws relating to	1955	273
Calculation upon receipts of premiums from policy holders	1907	115
Cancellation clause; five days' written notice requirements	1951	646
Care contracts		
Church supported home for aged; law not applicable	1953	581
Commissioner's duty re	1953	590
Casualty insurer		
Companies, voluntary deposits, acceptance by insurance commissioner	1941	747
Insurance commissioner; requires reserve fund and statement filed; corporation	1949	535
Rating; change in procedure	1945	686
Reserve		
Fund required	1949	535

Subject	Year	Page
INSURANCE (cont.)		
Casualty insurer (cont.)		
Reserve (cont.)		
Required before issuance of certificate of authority	1949	535
Central trust of China foreign corporation; not qualified in this state	1949	559
Certificate of authority		
Assets required for issuance	1941	717
Cargo insured under open policy of alien insurer by Florida attorney; legality	1955	182
Constitutes contract	1939	122
Issuance to foreign fire insurance company	1947	545
May be issued under §4297	1927	210
Requirement	1905	100
Certificates of indebtedness issued pursuant to chapter 57-1302 as approved securities, not within purview of law	1959	71
Charter amendment, domestic insurance companies; issuance of preferred stock	1953	624
Chiropractors; naturopaths; osteopaths qualified as physicians and surgeons	1949	554
Claim allowances, validity	1941	719
Collateral security of bonds	1929	245
Collection of tax; sick and funeral benefit insurance	1905	83
Commercial property insurance policy; cancellation, power of agent	1957	294
Commissioner		
Agency and insurer; agreement; terms and time; approval	1949	532
Agent's licenses		
Authority to withhold renewal	1945	671
Cancellation; hearing, charges	1945	665 675
Discretionary power to withhold issuance or renewal of	1927	213
Nonresidents; resident of Cuba	1945	670
Reciprocal insurance; non-resident's eligibility	1945	680
Solicitor's license; qualifications	1945	679
Annuity gift agreement; insurance business; activities constituting	1949	529
Bail bonds in federal court; re-insurance agreement	1949	528
Benevolent mutual benefit associations, not authorized to disapprove proposed policy of	1939	119
Bonds; release; sufficient evidence	1949	537
"Car life guaranty" agreement constituting insurance	1949	525
Care contracts, duties re	1953	590
Certificate of authority; issuance to foreign fire insurance company	1947	545
Conditional sales contract, guaranty of payment; not insurance	1949	526
Contingent commission agreements; prohibited by laws of Florida	1949	518

<u>Subject</u>	<u>Year</u>	<u>Page</u>
INSURANCE (cont.)		
Commissioner (cont.)		
Deed of trust given as security; release	1945	698
	1947	533
Deposits		
Excess, release of	1945	691
		692
Insurance companies		
Certification	1941	729
Release	1947	554
Release; authority	1953	598
When return of may be made	1937	163
Domestic insurance company; capital and surplus; investment requirements	1949	521
Duties		
Compensation rating bureau charges	1941	713
Sick and funeral benefit company	1943	472
Equipment and apparatus, installation expense, payment	1941	364
Examination, taking by applicant; authority to delay; violation of license law	1955	232
Federal savings and loan associations deposit of investment certificates, acceptance	1941	713
Federal workmen's compensation act, not authorized to regulate premium rates under	1939	124
Financial responsibility law		
See: FINANCIAL RESPONSIBILITY LAW		
Fire and casualty companies; release of deposits; authority	1951	696
	1953	598
Fire insurance		
Construction of regulations	1949	519
Funds; investment; authority	1949	525
Florida		
Life insurance company; surplus investments	1949	521
State improvement commission bonds; deposits	1949	30
		556
Foreign insurer		
G. I. mortgages not acceptable as assets	1949	523
Qualification business this state; requirements	1949	523
		527
Fraternal benefit societies		
Applicants, medical examinations	1941	738
Fund, maintained for benefit of members; tax exemption	1949	548
Group life insurance employees; St. Petersburg board of realtors	1949	540
		543
Guaranty reserve fund		
Distribution of pro rata share	1949	557
Purpose	1945	701
Transfer of pro rata part	1947	560
Withdrawals; conditions	1945	705
Hospital service plan of insurance; applicability of chapter 19108 re licensing operation	1939	125
Interinsurance exchanges; agents; chapter 17069 not applicable	1939	123

<u>Subject</u>	<u>Year</u>	<u>Page</u>
INSURANCE (cont.)		
Commissioner (cont.)		
Investment by insurance companies in mortgages insured by F. H. A.	1947	535
License suspension; supersedeas bond, personal check as	1951	654
Limited insurance companies		
Deposits, release	1947	565
Filing of proposed charter	1939	536
Limited surety companies		
Forfeited bail bond; payment from statutory deposit	1947	563
Judgment; payment from statutory deposit	1947	564
Release of deposit	1945	708
Securities, release	1947	568
Loss clause, legality of filing	1951	657
Mail order companies, regulation	1941	722
Mortgaged property; duties and responsibilities	1953	589
Official duties; reinsurance; Lakeland city employees association	1949	520
Photostatic copies of rates and forms requested	1951	658
Premiums ceded; unauthorized insurer; risks outside Florida; credit allowed	1949	522
Professional bondsmen; qualification with, not required	1949	604
Proposed reinsurance agreement; Florida mutual; Westland life; authority; approval	1949	550
		551
Puerto Rican bonds; deposits; acceptance; authority	1949	526
		527
Qualification requirements for operation in state	1949	523
Rate information, photostatic copies requested	1951	658
Rates, approval or disapproval, criteria for	1959	29
Reconstruction and development; exempt securities	1949	479
Reduction of capital by domestic insurance company, authority to permit	1929	239
Regulation of rates		
Casualty contracts	1945	686
Effective date of rates after filing	1945	686
		688
Excess insurance	1945	687
Failure of insurer to use new rates; effect	1945	688
Fire insurance		
Construction of regulations	1945	670
Term policies	1947	543
		544
Reciprocal contracts	1945	682
Title insurance	1945	669
Reinsurance; proposed agreement; approval	1949	550
Release requirements	1949	549
Requirements	1931	333
Right of stock companies, mutuals or reciprocals, issue participating policies	1939	126
Sales of securities registered by notification; regulation of commission permitted	1955	428

<u>Subject</u>	<u>Year</u>	<u>Page</u>
INSURANCE (cont.)		
Commissioner (cont.)		
Securities deposit		
Puerto Rican bonds; release of portion	1949	526
		527
Release requirements	1949	549
Return of; authority	1953	622
Substitution of; authority	1955	396
Securities; release after substitution	1945	696
Service of process		
Acceptance authorized	1951	647
Insurance companies acceptance	1941	719
Solicitor or agent applicant, violation; authority of commissioner to delay applicant's taking examination	1955	232
Statutory disciplinary action instituted against agents, not agency	1949	530
Suspension of driver's license		
Effect	1947	393
Failure to give up; prosecution	1949	374
Title insurance		
Issuance by trust company, license and certificate of deposit	1941	722
Minimum investment requirements	1947	536
Voluntary deposit		
Domestic fire and casualty company, certain securities	1955	581
Sick and funeral benefit company; release	1947	554
Workmen's compensation		
Discrimination	1939	125
Rates	1941	561
Commissions		
Agent's qualification law, violations	1941	727
Casualty insurance companies, voluntary deposits, acceptance	1941	747
Deposits of insurance company, certification	1941	728
Disposition of process	1941	718
Division of		
Nonlicensed agent, with; legality	1957	728
Partnership members not licensed as agents; unlawful	1953	606
Payments on the original basis	1955	471
Payment by life insurer to former agent	1947	540
		541
Percentage donated to charitable or religious organizations; legality	1951	645
Companies		
Dealing in intangible property; occupational license	1947	257
Director, agent; ineligible to serve	1949	535
Liability for 2% premium tax on reinsurance	1927	207
May have certificate of authority renewed	1925	213
Must qualify under foreign corporation law	1925	210

<u>Subject</u>	<u>Year</u>	<u>Page</u>
INSURANCE (cont.)		
Companies (cont.)		
Reports, when must be made and taxes paid	1925	207
Required to pay license tax under new law	1925	212
Service of process upon state treasurer	1925	219
Statute construed	1925	218
Compensation to agent on business procured directly by company or other agent is not unlawful	1933	474
Complimentary advertising	1941	736
Conditional sales contract for motor vehicle; charges for insurance not used for that purpose	1947	532
Consolidation or merger; deposits returned to continuing company	1957	397
Continental casualty company, declaration of liability as surety; acceptance	1951	692
Contingent mortality endowment contracts	1943	472
Contracts		
Cancellation; return of premiums, requirements, etc.	1959	516
Chiropractors; naturopaths; osteopaths; qualified as physicians, surgeons	1949	554
Guaranty, not a contract of surety within meaning of insurance law	1955	235
Indemnity or security against loss for a stipulated consideration is insurance	1933	475
Investment plans; group credit life coverage in connection with	1953	620
Corporations		
Certain businesses not authorized to operate	1925	118
Commissions of officers for selling stock	1947	531
Supervisory general agent, license	1951	656
Counselor; life agent; license	1949	535
County and city owned building, use of proceeds	1953	147
County bonds, eligibility of securities	1953	580
County bridges, fire insurance covering	1951	496
County commissioners		
Tax levy, resolution required prior to	1933	469
Three-year contract insurance, county property; purchase authorized	1951	234
County employees; public funds not authorized; financial responsibility act	1949	173
County health unit property; state fire insurance fund, not insurable in	1957	634
County traffic officers; premiums by county, vehicles of officers	1949	199
		337
Coverage		
Limits of group permanent life	1959	192
Mortgaged property; control by mortgagee	1953	589
Credit insurance; meaning of term "real estate loans" in §646.01(3)	1957	835

Subject	Year	Page
INSURANCE (cont.)		
Credit life and credit accident and health policies; countersigning by out-of-state company; legality	1957	786
Credit protection policy; customer's contract cancellation of balance due upon death; constitutes insurance	1953	595
Credit unions; exacting fees for insurance on borrowers	1947	573
Death benefits; sick and funeral benefit company; limitation	1951	678
Defined	1943	469
	1953	587
Deposit premium plan, basis for payment of gross receipts tax by associated factory mutual fire insurance companies operating on	1959	42
Deposited securities, substitution of; procedure	1945	696
Deposits		
Amended §631.06, F.S., in relation to existing	1957	256
Merger of companies; procedure for return of	1957	397
Municipal revenue certificates; acceptability	1947	530
Puerto Rican bonds; commissioner; authority	1949	527
Recovery of excess	1945	692
Release	1947	554
	1953	622
Deposit of ceding company; reinsurance agreement	1957	419
Required of benevolent mutual benefit associations	1939	134
Return of	1937	163
	1953	603
Status state banks under laws reference to national banking act of 1933	1933	281
Surrender of, under amended §§631.06, 648.02, F.S., subject to certain conditions	1957	348
Discrimination between nonresident and resident companies	1939	121
District soil conservation board; liability insurance; authority	1953	565
Dividends		
Assignment; foreign mutual company, validity	1953	596
Guarantee to insured	1941	737
Division of certain commissions; payments on the original basis	1955	471
Doing business by mail, if in violation of law	1929	244
Domestic insurance companies		
Certificate of indebtedness, issuance pursuant to chapter 57-1302 as approved securities; not within purview of law	1959	71
Deposits, certificate of authority, release	1951	696
Fire and casualty company; acceptability of certain securities	1955	581
Insurance commissioner authorized to reduce capital	1929	239
Investment in Jacksonville expressway authority bonds; eligibility	1957	81

Subject	Year	Page
INSURANCE (cont.)		
Domestic insurance companies (cont.)		
Life insurer; investment in turnpike authority revenue bonds; eligibility	1955	168
Municipalities; tax authorized	1919	210
Mutual fire insurance companies		
Domestic or foreign; state agency insuring its property	1949	538
Release of deposit	1953	598
Premium receipts tax, exempted refund	1951	268
Propriety of amending charter, issuance of preferred stock	1953	624
Reinsurance agreements; commissioner, approval	1955	24
Release of deposits with commissioner	1953	622
Retrocession agreements; commissioner, approval	1955	24
Employees		
Benevolent association not constituting business of insurance; validity	1955	716
Dependents; coverage	1949	547
Protective plans; individual policies with provisions characteristic of group insurance	1955	474
Right of clerk circuit court to pay premiums for	1937	48
Endorsement on policy of indemnity insurance does not convert policy into contract on suretyship	1939	133
Endowment and annuity policies, intangible tax on	1941	204
Examination fees		
Conditions when refunds payable	1957	159
License as agent, solicitor or adjuster, for; refunds prohibited	1959	604
Exemption claimed against premium receipts tax; not allowed	1955	21
Fair premiums, payment of	1911	45
Farmers fire insurance company of Pennsylvania; certificate of authority; mutual or stock company	1947	545
Federal deposit insurance corporation coverage, moneys paid into court, handling and disposition	1959	417
Fees		
Adjusters, required	1923	132
Agency employees; insurance written for	1949	534
Examination; refunds	1957	159
Financial responsibility law See: FINANCIAL RESPONSIBILITY LAW		
Fire and casualty		
Agents		
Division of commissions with nonresident brokers	1915	170
Examination fee, when refunds payable	1957	159
Local and foreign; division of commissions	1915	168
Annual renewal endorsement; rate reductions	1957	701
Blanket coverage for loss by fire; insurer's liability	1953	600
Bonds		
Collateral security	1929	245
Deposit with commissioner; return	1953	603

Subject	Year	Page
INSURANCE (cont.)		
Fire and casualty (cont.)		
Bonds (cont.)		
Qualification	1933	473
Sufficient evidence for insurance commissioner to release	1949	537
Termination as to future claims	1957	397
Change of rates as to term policies	1947	543
City and county owned building, use of proceeds for recreational center	1953	147
County; purchase from county commissioner	1951	729
Deposits		
Certificate of authority, release	1951	696
Release	1953	598
Securities; requirements	1957	463
Voluntary	1951	696
Transfer to superintendent of insurance, New York	1953	584
Fire and tornado		
Municipal excise tax	1947	247
Premium receipts tax, exempted; refund	1951	268
Foreign; Florida corporate agencies; insurer agreements	1949	518
Gross receipts tax; basis		
Imposition; associated factory mutual companies	1959	90
Payment by; associated factory mutual fire insurance	1959	42
Loss clause, legality of filing	1951	657
Martial law, effect on fire insurance policies	1941	730
Municipality; power to underwrite	1929	405
Mutual companies; conditions to comply with to do business	1915	167
Nonadmitted company; statutory provisions	1949	519
Nonprofit sharing company, without authority to operate	1931	322
Officer or employee; eligibility as agent	1953	615
Operation as nonprofit corporation	1947	528
Premiums on monthly installment plan; legality	1959	589
Reinsuring portion of, under cession with out-of-state company; legality	1905	48
Securities deposited with state treasurer when business assumed by another company; disposition	1915	163
Firemen's relief and pension fund exchanges under reciprocal insurance law; taxation	1939	130
First investors corporation, group life insurance in connection with; validity	1955	752
Five year annual renewal plan, change in policy; acceptance	1953	608
Florida		
Citrus mutual members, group life coverage	1955	140
Conference of Methodist church, life coverage plan for ministers	1955	177

Subject	Year	Page
INSURANCE (cont.)		
Florida (cont.)		
Corporation; California corporation; proposed agreement; reinsurance	1949	550 551
East coast railway; employees' benevolent association, proposal; insurance laws, exemption	1951	682
Hospital service corporation; power to contribute or invest funds; stock company	1949	552
Improvement commission		
Bonds not acceptable as deposits	1949	556
Excess of maximum; jurisdiction	1949	341
Mutual, Westland Life; reinsurance agreement; insurance commissioner; authority	1949	550 551
State firemen's association; benefit fund for widows; assessment of members	1949	519
Foreign companies		
Application of intangible tax law, in re mortgages held for	1931	911
Business written in other states, premium receipts tax on; liability	1953	593
Compliance with §6302 C. G. L.	1931	334
Computing premium receipt taxes	1955	584
Corporation law, compliance with; permit from secretary of state	1919	213
Credit life and credit accident and health policies; countersigning by out-of-state company; legality	1957	786
Deposit, return of; fidelity and surety bond business discontinued	1957	151
Doing business by mail in violation of law	1929	244
Fidelity and surety bonds, issuing; business discontinued; deposit, return of	1957	151
G. L. mortgages not acceptable as assets	1949	523
Operation in state; license requirements	1957	452
Qualifying assets	1943	463
Regional home office; issuance of policies; construction of words "substantially occupies"	1955	552
Retaliatory law; credit	1955	670
State of Florida; qualification requirements	1949	523
Tangible personal property; credits and deductions against premium receipts tax; eligibility	1955	85
Foreign corporation using word "trust"; not qualified for insurance business this state	1949	559
Foreign mutual corporation		
Dividends, assignment; validity	1953	596
Investment business only; prerequisites for admission	1953	586
Fraternal benefit societies	1937	155
Agents' license taxes	1945	694

Subject	Year	Page
INSURANCE (cont.)		
Fraternal benefit societies (cont.)		
American Woodmen; tax exemption	1949	548
Applicants, examinations	1941	738
Certificate in certain form not authorized	1933	469
Children under 16 years of age eligible	1939	126
Conversion; stock insurance company; registration exemptions	1951	604
Deposit; release of excess	1945	691
Foreign association of firemen and policemen; exemption; requirement	1947	551
Incorporation, procedure	1941	740
Juvenile scholarship fund; entitled exemption	1949	549
Laws regulating and necessity of medical examination	1937	153
License taxes; amount	1945	345
Modern Woodmen of America, exemption	1951	675
Premium and license taxes; liability under proposed law	1945	358
Transfer of assets; substitution of securities deposited with commissioner	1945	696
Funeral		
Benefit plan contrary to chapter 17070	1937	158
Home, definition	1941	715
Instructions; preneed burial contracts; inducement to insurance	1957	440
General lines agent's licenses; minors whose disability has been removed	1959	640
Graduation of premiums by size of policy; lower age rating for females	1957	465
Gross premium tax See: TAXATION		
Group		
Accident and health		
Issuance to members		
County bar association	1947	551
Florida retail farm equipment association; eligibility	1951	684
Accident; members of incorporated motor club; eligibility	1949	553
Compulsory plan; legality	1947	615
Corporation; thriftsurance plan; Miami	1949	545
County commissioners; officers and employees; workmen's compensation law	1949	442
Coverage		
Employee's dependents	1949	547
Proposed plan for sickness and accident, eligibility under present law	1955	791
Payment of premiums by retired county employee; effect	1945	243
School bus drivers; payment from teachers' salary fund	1943	161
Single plan for employees of four corporations	1947	549
Group life		
Axe Houghton stock fund, inc.; Axe insured investment plan, validity	1955	680
City of Clearwater, employees	1941	89
Council for the blind, employees	1941	540

Subject	Year	Page
INSURANCE (cont.)		
Group life (cont.)		
Credit policy, limit of coverage	1955	268
Extension of coverage to non-union members	1959	196
First investors corporation		
Investment plans with insurance; validity	1955	752
Plans, issuance; authority	1951	671
Florida citrus mutual members; coverage	1955	140
Health; municipal employees; eligibility	1949	543
		554
		555
Institutions		
Employees		
Higher learning, employees; employer contribution, legality	1935	511
	1951	419
Investment shares, coverage in connection with purchase of; legality	1953	620
Issuance to members of county bar association	1947	551
Labor unions		
Coverage	1951	674
Local, more than one; ineligible	1951	669
Permanent; limits of coverage	1959	192
Presbyterian church, United States, issuance	1951	668
Sick and accident insurance coverage; labor unions	1955	190
State road department not authorized to pay for employees	1937	479
State tuberculosis board, employees	1945	524
Guaranteed arrest bond certificates, acceptance	1951	692
Guaranty to recover goods or value in event of loss by robbery as constituting insurance	1939	122
Hardware mutual, proposed plan for financing premiums due; legality	1955	935
Hazardous occupation, definition	1935	621
Health and accident		
Classification	1943	473
Construction of contract	1945	556
Death benefits; limitation	1951	678
		679
Hialeah shopmen's relief club; exemption	1953	578
Home owners policy; former opinions, effect of	1957	92
Hospitalization plan		
Blue cross; power to contribute or invest funds in stock insurance company	1949	552
Board of public instruction; payment of public funds into trust; authority	1955	131
Corporation; stock insurance company; funds; investments	1949	552
Key West; constituting	1953	628
Premiums; faculty members and employees institution under board of control	1949	155
Providing for licensing operation	1939	125
Services by osteopaths	1947	562
	1951	683
Indemnity bond; agent's counter-signature	1949	538

Subject	Year	Page
INSURANCE (cont.)		
Indemnity insurance; endorsement on policy does not convert policy into contract on suretyship	1939	133
Inducement to; gratuitous medical and surgical benefits	1947	531
Industrial commission employees; group premiums; payment; state funds	1949	554 555
Injuries to public; department veterans' affairs not liable	1949	342
Installments, monthly; tax liability	1951	306
Insurers		
Countersignature; licensed agents	1949	536
Florida risk; reinsurance	1949	533
License; amount; due date	1945	697
Transacting business within boundaries of certain political subdivisions; occupational license tax, subject to	1959	634
Interinsurance exchanges; chapter 17069 not applicable to agents	1939	123
Investment		
Domestic life insurer, turnpike authority revenue bonds	1955	168
Mortgages		
Federal housing administration	1935	606
Insured by F. H. A.	1947	535
Surplus funds; status of securities	1949	521
Issuance of certificate that cargo insured under open policy of alien insurer by Florida attorney, legality	1955	182
Judgment, failure to pay, revocation of license	1941	721
Labor unions, group life coverage	1951	674
Sick and accident	1955	190
Laundry and dry cleaners; surety bonds	1949	466
Laws governing, violation	1941	720
Lawyers title guarantee fund; securities, United States bonds as	1951	649
Liability insurance		
Compulsory; state universities without authority to require for students owning and operating motor vehicles	1947	336
Ferry boats, operation of	1937	162
FSU students and faculty; governmental immunity	1951	417
Power of counties	1947	145
School buses	1935	457
Not a purchase within provisions of school code statute	1939	153
License		
Adjusters; requirement	1953	276
Agents; reciprocal insurer; countersignature not required	1949	536
Company issuing reciprocal policy	1913	106
Fees; refunds allowed under certain conditions	1959	604
Insurance weighing machines	1913	104
Renewal, solicitor; business domicile requirement	1955	763
Revocation by state treasurer	1927	211
Salesmen and solicitors	1927	210
Sick and funeral benefit insurance, operation under prior act; license renewal	1905	63

Subject	Year	Page
INSURANCE (cont.)		
License (cont.)		
Tax		
Additional to state license; authority of county or municipality to assess	1904	47
Adjusters, for	1923	132
Companies not subject to, when	1931	333
Licensing and examining agents or solicitors	1933	472
Life care contracts		
Church supported home for aged; law not applicable	1953	581
Commissioner's duty re	1953	590
St. Petersburg board of realtors	1949	540 543
Life insurance		
Agents		
Commission-splitting with nonlicensed agent; legality	1957	728
Delivery of commission to corporation of which he is an officer	1947	539
Cash surrender value	1939	476
Commissions; payment to former agent	1947	540 541
Disposition of proceeds		
Policies, of	1929	246
Section 7065, C. G. L., under	1931	744
Funds; investment of surplus; validity of purchases	1949	521
Graduation of premiums by size of policy; lower age rating for females	1957	465
Group credit policy, limit of coverage	1955	268
Legal investment of funds	1959	71
Minister of Florida conference of the Methodist church	1955	177
Nonresident agent; occupational license tax	1947	256
Placing prior date on policy not discrimination	1929	244
Realtors, St. Petersburg board of; employees	1949	540 543
Regulation, solicitation and sale	1943	469
Reinsurance		
Lakeland city employees' association; contracts valid	1949	520
Obligations of another company; release of bond and deposit of first company	1933	471
Soliciting agents remunerated on commission basis not employees under Florida unemployment law	1937	322
Speculative benefits; insurable interest	1945	693
Statutes construed	1925	218
Limited surety companies		
Agents, defined	1953	611
Contractual nature of charter	1947	567
Deposits; amount, release	1947	565
Dissolution; release of		
Deposit	1945	708
Securities	1947	568
Forfeited bail bond; payment from statutory deposit	1947	563
Incorporation and filing proposed charter	1939	536

<u>Subject</u>	<u>Year</u>	<u>Page</u>
INSURANCE (cont.)		
Limited surety companies (cont.)		
Liability, limitation	1951	697
		699
Obligations; limitations	1951	697
		699
Payment of judgment from statutory deposit	1947	564
Professional bondsmen	1953	612
Validity of proposed law requiring liquidation	1947	567
Limited travel accident licenses without examination; managers of rent-a-car or travel agency, eligibility	1957	216
Liquefied petroleum gas		
Dealer; prerequisites for license	1947	548
Surety bond	1949	373
		481
Loan on policy	1919	215
		217
Lodges issuing insurance certificates	1917	301
Loss clause, legality of filing	1951	657
Lost coupons	1931	775
Low-twelve club benefit fund; exemption	1951	644
Medical		
Associations, wholesale coverage of members thereof, issuance of certain policy; legality	1957	409
Care, physicians' plan to contract for furnishing; legality	1955	292
Surgical benefits; offer constituting inducement to insurance	1947	531
Merger of insurance companies	1911	67
	1913	67
Disposition of securities	1933	477
Return of deposit to continuing company	1957	397
Military reservations, solicitation on	1941	2
Minimum stock of proposed insurance corporations in view of amended law	1955	452
Minors whose disability has been removed; general lines agent's license; eligibility	1959	640
Mortality endowment supplemental contract, insured killed in military service, liability of company	1941	737
Motor vehicles		
Liability policy; issuance by authorized company this state; required	1949	373
Motor club plan, definition	1941	715
Municipal or county, additional tax on companies licensed by state	1904	47
Municipalities		
Excise tax on fire and tornado insurance	1947	247
License tax on insurers doing business by mail	1947	258
Occupational license tax on insurers, agents, solicitors, etc., legality	1959	388
Municipality and school board employees	1949	539
		543
		554
		555

<u>Subject</u>	<u>Year</u>	<u>Page</u>
INSURANCE (cont.)		
Mutual fire insurance associations		
Cannot be operated under law as nonprofit sharing corporation	1931	322
Citrus growers	1943	471
Nonassessable policies, issuance	1941	733
Public corporations, insurance of property, profits	1941	734
School properties	1937	161
	1951	662
Mutual funeral and burial associations, subject under law as sick and benefit associations	1929	238
Mutual indemnity plan; high school athletics, constitute insurance for	1939	130
Mutual insurance companies		
Automobile risks	1945	667
Domestic or foreign; states property insured	1949	538
Insurance commissioner; proposed reinsurance agreement; authority; approval	1949	550
		551
License tax exemption	1941	226
Life; liability assumption by stock life company; former mutual officers, employment	1951	666
Right to issue participating policies	1939	126
Savings life insurance company; foreign corporations; word "savings" in name	1949	560
National automobile warranty of National bonded cars, inc.; contract of insurance	1955	58
		726
Newspapers; district managers; qualifications as agents	1949	531
Nonadmitted carrier, insurance coverage in; agent authorized	1957	660
Nonadmitted insurer		
Ocean marine risks, placing of; agent without authority	1953	613
Property owner; transaction with; violation	1949	533
Purchases of insurance coverage by municipalities; premium receipts tax, liability	1957	14
Nonassessable policy by reciprocal issuance of; requirements	1957	99
Nonprofit corporation; operation of fire and casualty business	1947	528
Nonresident agents; license fees, refundable under certain conditions	1959	604
Occupational license		
Liability of company dealing in intangible property	1947	257
Nonresident agent	1947	256
		258
Payment	1955	933
Tax, insurers transacting business within boundaries of municipalities or other political subdivisions; subject to	1959	634
Ocean marine risks, placing of, with nonadmitted insurers; agent without authority	1953	613
Officer may be licensed agent; life insurance company	1949	530

Subject	Year	Page
INSURANCE (cont.)		
Old age and survivors' insurance		
See: SOCIAL SECURITY		
Operation in state, authority	1905	100
Optical lenses, propriety of plan affording coverage to replace; legality	1957	203
Orange state bond and mortgage company, definition	1941	716
Organized companies; permitted issue preferred stock	1949	512
Part time special agent; eligibility for agent's license	1945	673
Partnership agency; commissions, division of, by members not licensed as agents; unlawful	1953	606
Pathway mutual insurance company, Church of God; insurance "reciprocal state;" whether violative of laws	1957	633
Payment of fair premiums	1911	45
Peninsular industrial insurance company	1907	155
Peninsular life insurance company; return of insurance deposit, when authorized	1937	163
Peoples' mutual life association	1907	102
Physicians' plan, association to contract for furnishing of medical care, legality	1955	292
Police officers' insurance and annuity fund	1945	266
Cities; contributions; refunds not allowed	1949	212
Policemen's retirement fund		
Annuity contract purchases; refunds; responsibility of participants; powers of trustees	1957	659
License tax, type of insurance coverage included	1953	198
Policies		
Assignment for funeral purposes	1941	740
Bonds covering property of United States government, state law inapplicable to	1933	472
Cancellation clause; five days, written notice, requirements	1951	646
Effective date	1943	476
Holders; offer of benefits not included in policies; inducement to insurance	1947	531
Loans		
Intangible personal property tax, subject to	1939	478
Promissory notes; documentary stamp tax	1949	257
Participating; right of stock companies, mutuals or reciprocals to issue	1939	126
Proceeds; disposition	1929	246
Securities; use of corporate stock to purchase real property without registering name	1955	211
Premium receipts taxes	1949	268
Claim for credits and deductions against; claim not allowed	1955	21
Exempted; refund	1951	268
Foreign insurers		
Computing	1955	584
Tangible personal property; credits and deductions against	1955	85
Gross receipts on insurance	1933	19

Subject	Year	Page
INSURANCE (cont.)		
Premium receipts taxes (cont.)		
Industries dealing in aviation and shipping; contract coverage, exemption	1959	132
Method of computing credits and deductions against; under certain laws	1953	191
Municipality, liability of	1957	14
Policy issued by unauthorized insurers; county school board liability	1953	616
Refund of; nonadmitted carriers; application for	1957	273
Sick and benefit insurance; liability	1905	32
When insurance companies liable for	1927	207
Premiums		
Agreement of financing company with insurers; validity	1955	672
Clause, unearned, legality of filing	1951	657
Credit plan; fire and casualty; legality	1959	589
Financing by banks; assignment of policy; legality	1957	548
Reserves; credit for reinsurance ceded to insurer not qualified in Florida	1947	534
Preneed burial contract law; sale of burial supplies and services; application of law	1953	630
President as agent; qualification; applicable laws life insurance company	1949	530
Prior dating not discrimination	1929	244
Proceeds		
Destroyed dormitory of Florida female college	1907	36
Use of, to replace state building	1919	142
Property		
Fire risk; nonadmitted company; authorization	1949	519
Owner; nonadmitted insurer; transaction directly with; violation	1949	533
Proposed 5-year annual payment plan	1935	604
Protection agreement, Dade memorial park, inc.; validity	1951	680
Public building		
Mutual insurance companies	1933	428
Special tax school district; authority of board to insure	1933	428
Public health officer; insurance with waiver of immunity provision; extent of coverage	1959	59
Public liability		
Counties; no authority to purchase	1949	337
Hillsborough county aviation authority; authority expend funds	1949	199
Operation of ferry boats	1937	162
University of Florida; rental of rooms	1949	474
Public officials, property of, procuring burglary, robbery and theft insurance on public money collected	1955	756
Public recreational park, liability insurance; county commissioners, authority	1957	37

<u>Subject</u>	<u>Year</u>	<u>Page</u>
INSURANCE (cont.)		
Public school buildings, insurance of with mutual fire insurance companies not authorized	1937 1941	161 305
Puerto Rican bonds; securities deposited; release of portion	1949	526
Pupils; transportation; liability Rates	1949	527 306
Approval or disapproval, factors to consider; fixing of, basis for	1959	29
Dividends, assignment; foreign mutual company; validity	1953	596
Information, photostatic copies, requested	1951	658
Regulation		
Casualty contracts	1945	686
Effective dates of rates after filing	1945	686 688 687
Excess insurance	1945	687
Failure to use new rates; effect	1945	688
Fire insurance	1945	670
Term policies	1947	543 544
Real estate loans; meaning of term in §646.01(3), credit life insurance	1957	835
Rebates in form of various articles cannot be given when issuing policy	1931	760
Reciprocal or interinsurance		
Attorney in fact not required to comply with foreign corporation law	1929	248
Casualty insurer; deposit of surety bonds not required	1949	535
Certain certificate of authority may be issued	1927	210
Contracts		
Corporations, between; powers	1945	685
Law construed as to liability of subscribers	1929	240
Florida citrus exchange	1943	470
Insurers		
Licensed agents; countersignature not required	1949	536
Reports	1941	727
Limited liability	1927	210
Participating policies, right to issue	1939	126
Salesmen, when liable for tax	1927	210
Statutes do not apply	1925	208
Refunds of license fees	1959	604
Regional home office		
Credits against premium tax for computing exemptions; license taxes	1955	134
Issuance of policies; construction of words "substantially occupies"	1955	552
Reciprocal contracts	1945	682
Tax exemption laws applicable	1953	585
Title insurance	1945	669
Reinsurance		
Agreement; bail bonds in federal court	1949	528
Florida		
Agent; gross premium receipts tax; exemptions	1949	262

<u>Subject</u>	<u>Year</u>	<u>Page</u>
INSURANCE (cont.)		
Reinsurance (cont.)		
Florida (cont.)		
Mutual life insurance company; Westland life insurance company; proposed agreement	1949	550
Florida risks		
Lloyd's of London not authorized	1949	521
Nonadmitted insurer; not authorized; admitted insurer	1949	533
Nonadmitted insurer; authority	1949	533
Retrocession agreements; domestic insurance companies; commissioner, approval	1955	24
Release		
Insurance commissioner; securities deposited with; requirements	1949	549
Motor vehicle liability; financial responsibility law	1949	375 376 608
Renewal of policy, construction	1953	608
Rent-a-car or travel agency, managers; limited travel licenses without examination; eligibility	1957	216
Resident adjuster, license fee refundable under certain conditions	1959	604
Retaliatory		
Effect of provisions	1955	361
Foreign insurers; credit	1955	670
Provisions in relation to tax assessment of workmen's compensation carriers	1957	205
Surety bonds on "principal officers"; state of Massachusetts; mandatory requirements	1957	493
Tax, imposed by §205.45, computed pursuant to §626.061, F. S.	1957	785
Riders placed on policies, legality of certain forms	1925	220
Risks outside Florida; credit allowed; unauthorized insurer; premiums allowed	1949	522
Royal benefit society of Washington, not within the purview of §5, chapter 5222, of 1903	1904	25
St. Petersburg board of realtors; proposed group life contract	1949	540 543
Sale of trip insurance through vending machines, validity under laws of state	1957	210
Sales contract; conditional; payment; guaranty school property; requirements	1949	301 526
Schools		
Blanket coverage; teacher and principal, activities; violations	1953	627
Buildings		
Certain companies, insuring with unlawful	1933	426
Commissions, division among agents	1951	653
Companies dividing profits	1935	454
Mutual fire insurance companies	1935	455
Public; five-year premium payment plan; acceptability	1953	329

<u>Subject</u>	<u>Year</u>	<u>Page</u>
INSURANCE (cont.)		
Schools (cont.)		
Buses	1935	452
		459
Liability coverage	1947	319
Properties; mutual fire insurance company	1951	662
Pupils; power of county board to carry insurance against injuries	1947	281
School board		
Borrowing money to obtain insurance; authority	1937	30
Employees	1929	362
Group insurance; payroll deductions; violation	1949	539
		543
		554
Liability insurance covering motor vehicles other than school buses	1947	304
Premium receipts tax on policy issued by unauthorized insurers; liability	1953	616
Purchases over three hundred dollars; bids	1957	902
School district property; trustee as agent	1945	381
Teachers, group insurance, premium participation by county; legality	1959	438
Securities		
County bonds, eligibility of	1953	580
Deposited, return of; commissioner, authority	1953	622
Insurance companies, of; sale of	1911	58
Insurance policies as; use of corporate stock to purchase real property without registering name	1955	211
Self-insurers, group; workmen's compensation law; agreement, validity	1951	554
Shipping industry having to do with; coverage, premium receipt tax, exemption	1959	132
Sick and funeral benefit	1907	155
	1935	607
Capital investment requirements	1947	553
Certificate of authority	1915	166
Classification may include health and accident	1943	473
Collection of tax on	1905	83
Death benefits, limitation	1951	678
		679
Deposit, when may be returned	1937	163
Duty of commissioner	1943	472
Effect of chapter 19306 on required reserve	1939	131
Funeral director as agent	1945	696
Investment of capital in real property	1947	553
Liable for license tax	1931	714
Maximum benefits	1947	552
Operation under prior act; license renewal	1905	63
Premium tax; liability	1905	32
Tax	1909	45
Undertaker acting as agent	1947	556
Validity of redeemable coupons attached to policy	1935	603

<u>Subject</u>	<u>Year</u>	<u>Page</u>
INSURANCE (cont.)		
Sick and funeral benefit (cont.)		
Voluntary deposit; release by commissioner	1947	554
Sickness and accident proposed group coverage plan, eligibility under present law	1955	791
Social security See: SOCIAL SECURITY		
Solicitors		
Agents, business domicile of; license, renewal	1955	763
Eligibility		
Adjuster for license	1947	542
License	1945	673
		678
		679
Southeastern underwriters association; proposed payment does not violate anti-trust laws	1935	603
State		
Commission has authority to surrender security upon merger and qualification of companies	1933	477
Employees, group, payment of premiums from operating fund	1941	89
		90
		91
State and county license tax, refunds	1959	604
State fire insurance fund	1921	180
Board of control, buildings financed by revenue certificates, fire insurance coverage	1955	616
		924
Contribution of premiums paid for benefit of agencies not financed from the general revenue fund	1955	616
County health unit property not insurable	1957	634
Equipment merchandise, vending stands of blind eligible coverage	1949	340
Golf club house; entitled coverage	1949	340
Insurance commissioner; funds; investment	1949	525
Lease of property held in trust	1945	470
Property insurable	1945	658
	1947	367
		374
Property leased by a state department	1941	365
Valuation of buildings; basis	1947	375
State, leased property	1935	772
State owned securities deposited with federal reserve bank; insurance coverage	1947	19
State sheriffs' association; benefit fund; contributions by members; voluntary	1949	518
Statutes, construction of	1929	246
Stock company; definition	1947	545
Stock life companies assuming liability of mutual life company; former mutual officers, employment	1951	666
Stocks, sale of	1939	132
	1947	531
Structural condition warranty, proposal; legality	1957	198

Subject	Year	Page
INSURANCE (cont.)		
Students; compulsory liability insurance	1947	336
Sunny South Cooperative Insurance Company	1907	102
Supersedeas bond, personal check as	1951	654
Supreme camp American Woodmen; certain taxes; exemption	1949	547
Sureties		
Bills for services should be paid when requested by states attorney and approved by judge	1933	490
Bonds, law authorizes surrender of, by state treasurer in return for receiver's certificate	1933	485
Cancellation of bond by surety of an indefinite and contingent liability as to future accruing liability, is permitted	1933	482
Convict guards and captains may have group bonds	1933	483
Corporations acting as surety on bond must qualify under state law	1933	488
Exchange of bonds held by state treasurer	1935	611
Exempt transactions under securities act	1935	611
Final judgments; service of notice	1945	706
Fine and cost bonds; release	1945	749
Fine and costs, when same are not paid execution shall issue by the clerk as if there had been judgment at law	1933	486
Florida state improvement commission bonds; not acceptable as deposits	1949	556
Foreign surety companies		
Appointment of receiver does not affect §6294, C. G. L., 1927	1933	486
Compliance with §6290 to 6308, C. G. L., 1927, in writing personal appearance bonds in United States courts	1933	479
Insolvent surety company, securities should be delivered to receiver appointed by circuit court of Leon county	1933	480 481 487
Interest in profit sharing agreement	1935	612 613
Liable for funds misappropriated	1923	130
Liberty bonds in lieu of should be released and returned to depositor	1933	480
Personal bond, surety bond for two years cannot be terminated upon giving of	1933	484
Reduced rate of interest on bonds securing public deposits	1935	616
Release of liability under	1935	816
Right to be relieved by county commissioners	1929	292
Sale of securities by governor, comptroller and treasurer	1935	618

Subject	Year	Page
INSURANCE (cont.)		
Sureties (cont.)		
Securities		
Act, registration of stock and salesmen in multi-ownership plan	1935	621
All Florida land company	1935	619
Commission, traveling expense account	1935	620
Exemptions	1935	620
Foreign corporation qualifying	1935	614
Municipal, amount	1935	617
Registration of oil, gas or mineral contract or deed	1935	615
Sick and funeral benefit companies, limitation on nature of policies	1935	622
State treasurer		
Not authorized to act as pledgee of collateral by a bank to secure a deposit by a clerk of court in such bank	1933	488
Retention bonds on deposit with, sufficient to satisfy unpaid final judgment	1933	479
Sale of collateral	1935	618
Surety companies authorized to bond officers	1909	54
Tax collector's bond	1933	240
Withdrawal of, on bonds	1911	44
Surety bonds		
Cancellation; not authorized by company	1933	472
Companies	1921	177
County judge, bond	1931	227
Insurance companies		
Continuing instrument; release; cancellation	1941	730
Florida business discontinued; liability	1941	731
Mutual companies; acceptance by state	1945	668
Principal officers; state of Massachusetts; retaliatory law; mandatory requirements	1957	493
Public officials; refund of premium	1941	95
Release of liability under	1935	816
Substitutions, personal bond; justice of the peace	1943	163
Surety companies		
Appearance bonds		
Aggregate for one defendant	1943	478
Conviction or pre-sentence investigation; release of liability, extent	1959	332
Attorney as agent for; signature on bail bonds, prohibited	1953	693
Bail bonds, suit to enforce; state or political liability for attorney fees	1959	646
Bond may be demanded as required by §4331, R. G. S.	1925	216
Deposit of certain bonds with state treasurer required, construction of law	1929	235
Domestic, deposits, release	1951	696
Final judgment; service of notice	1945	706
Foreign		
Personal appearance bonds in United States courts	1933	479

Subject	Year	Page	Subject	Year	Page
INSURANCE (cont.)			INSURANCE (cont.)		
Surety companies (cont.)			Trustee ownership policies; discrimination; state dental society	1949	539
Foreign (cont.)			Undertaker as agent; sick and funeral benefit insurance	1947	556
Receiver, appointment	1933	486	Underwriters; double indemnity insurance; agents, qualifications and examination	1949	531
Guaranteed arrest bond certificates	1951	692	Uninvested cash; G. I. mortgages; not authorized	1949	523
Acceptance as surety	1951	693	Union life insurance company; eligibility to transact business in Florida	1947	549
Form			Universal guaranty corporation; certain guaranty agreements, distinction between surety and contract of insurance	1955	235
Insolvent, securities delivered to receiver	1933	487	University teaching staff, liability insurance for	1953	337
Legal investment of funds	1959	71	Valued policy law; law of coinsurance, application and intent	1941	731 732
Limited; dissolution; release of deposit by insurance commissioner	1945	700	Vending machines, vending insurance policies, license requirements	1959	405
Mutual; acceptance of bonds by state	1945	668	Violation of laws by various companies	1931	358
Official bonds, surety on; withdrawal	1905	47	Voluntary benevolent or relief association of employees of an employer; legality	1953	625
Power of attorney, authorized to issue under certain conditions	1929	236	Voluntary deposit		
Remittance of forfeiture upon return of defendant by bondsmen or surety	1959	528	Alien insurer; transfer to superintendent of insurance of New York	1953	584
Revocation of license by state treasurer	1917	294	Return by commissioner	1947	554
Not authorized	1927	211	War damage		
Surety contract in relation to deposit; benefit excludes obligees of bonds	1957	214	PWA dormitories, Florida A and M college	1941	334
Suretyship endorsement on policy of indemnity insurance does not convert policy into contract on	1939	133	State armories, payment of premiums	1941	363
Surplus lines; insurance cancellation by certain agents licensed under chapter 645; power of agents	1957	294	Welfare fund; proposed agreement between union and company; benefits to certain employees of company; whether violative	1957	431
Tax	1909	45	Wholesale insurance as distinguished from group insurance	1929	243
Exemption			Workmen's compensation		
Certain	1931	333	Assigned risk policies, agent's commission; payment	1959	680
Foreign insurer, regional home office	1953	585	Cancellation insurance upon request of employer requires 30 days notice	1939	117
Gross premium receipts	1949	262	Carriers, retaliatory provisions in relation to tax assessment	1957	205
Insurance ratemaker	1907	141	Issuance of participating and nonparticipating policies	1939	125
Taxicabs; liability, coverage, fleet basis; requirements	1951	659	Purchase by parole commission	1943	379
Television picture tube service, agreement to maintain	1951	651	Retrospective rate plan; state department	1949	437
Temporary license, fees for agents, refunds	1959	604	Teachers	1947	281
Term policies; change in rates	1947	543	Writing bonds and endowment bonds	1935	609
Territory defined	1943	469	Insurance commissioner See:		
Thriftsurance plan; group insurance coverage	1949	545	INSURANCE		
Tire guarantee contracts as constituting	1937	166	Intangible personal property; oil, gas and mineral royalties, not regarded as	1959	407
Title insurers			Intangible personal property taxes		
Company not required to pay premium tax	1925	209	See: TAXATION		
Company with trust in name; permission to do business in Florida	1947	572	INTER-AMERICAN CULTURAL AND TRADE CENTER		
Minimum investment requirement	1947	536	Bonds or other securities issued by; tax situs	1955	368
Restraint of trade in field of; whether violative	1955	253	Budget commission; deficiency appropriation; funds released to	1951	440
Securities, United States bonds as	1951	649			
Title guaranty	1921	189			
Tort liability					
Accident involving owner of private vehicle while performing a governmental function; county liability	1957	917			
State, in connection with operation of certain institutions; purchase	1959	563			

Subject	Year	Page
INTER-AMERICAN CULTURAL AND TRADE CENTER (cont.)		
Title of water bottoms of artificial navigable waters, control over such waters and their use	1955	209
Intercoastal waterways; taxation of land used for right of way	1949	215
INTEREST		
Banks should pay when size of each account justifies	1931	608
Bond, not to be paid on when taken in under the Futch bill	1933	185
Counties; payment of or contract for payment of; absence of au- thority; prohibited	1957	692
County		
Bonds, after maturity	1935	805
Funds	1911	41
Taxes, subsequent and omitted	1953	234
Coupons		
Bonds; municipal or political subdivision; delinquent; rate of interest	1951	709
Purchase under Kanner act	1933	154
Legal rate	1931	608
Maturity, cannot repay from future receipts sum borrowed to pay on bonds	1933	173
Notes bearing interest, payment to teachers for past due salary with, unauthorized	1933	401
Public funds in banks, should be re- quired to be paid on	1933	285
Rate to be charged in certain cases	1925	305
Received under Futch bill, clerk has no authority to transfer	1933	186
Retail installment contract; interest limitation (ten dollars per hun- dred dollars per year); final pay- ment large or balloon type; le- gality	1959	733
Tax assessors, loan; office opera- tion; payment by county	1951	301
Tax sale certificates	1953	227
Omitted taxes; prorated to funds for which taxes levied	1933	119
Three and one-half per cent not il- legal rate	1931	867
Usury statutes, interest in advance, cash discount or bonus; long and short term loans; violation	1955	888
INTERIM COMMITTEES		
See also: LEGISLATURE		
Appointment pursuant to HR 96-XX; expenses, payment	1955	808
Costs and expenses, payment	1955	146
Experts, employment of; payment	1955	729
Game and fresh water fish, com- prehensive study; powers and duties of committee	1955	830
House concurrent resolution 1775, expenses	1955	407
Mental health problems; per diem and travel, allowance	1955	265
Senate resolution 648; expenses	1955	406
INTERNAL IMPROVEMENT FUND		
Bill for printing by Capital pub- lishing company	1907	47
Bulkhead lines, fixing across pri- vate property purchased from state or its agencies; duties of county commissioners	1957	484
Deeds and contracts; documentary stamp tax, exemption	1943	225

Subject	Year	Page
INTERNAL IMPROVEMENT FUND (cont.)		
Doctrine of erosion; application with reference to state uplands; ownership by state	1957	865
Everglades national park; convey- ance of lands to United States; authority of trustees	1949	333
Florida board of forestry; certain lands; disposition; authority	1949	332
Funds, method of handling	1941	359
Lake Okeechobee, title to certain lands in and around	1955	214
Lands		
Certain, proposed sale of	1907	157
Filled in; title	1943	292
Murphy; reversion of county lands to state	1943	220
Payment of taxes levied for drainage	1943	309
Public, sale of twenty-five per cent; proceeds	1907	134 146
State		
Inland navigation district taxes	1949	345
Oil and mineral rights on ex- change	1943	292
Taxes levied for drainage; pay- ment	1943	309
Water bottom, filled in, contigu- ous to upland; title	1955	343
Metals and minerals classified	1953	353
Mineral, petroleum reservations, sale release	1943	295
Murphy act lands. See: MURPHY ACT LANDS		
Proceeds of the sale of twenty-five per cent of public lands	1907	134 146
Proposed sale of certain lands	1907	157
Signing of certain warrants by at- torney general	1907	150 151
State lands		
Inland navigation district taxes	1949	345
Proceeds of, disposition; special assessments or tax levies	1935	559
Submerged lands		
Dredging and filling in; navigable waters and ports, regulation	1955	863
Filling in; title	1945	451
Ochlocknee river and bay not within boundary of Forbes purchase	1957	818
Surplus; transfer to state building fund	1945	447 453
Trustees		
Bonds held by state treasurer	1939	341
Borrowing money and incurring obligations; authority	1929	265
Bulkhead lines, fixing Fixing and setting of; preserva- tion of records and proceed- ings	1959	293
Navigable fresh water stream; approval required	1957	774
Offshore from existing lands	1957	699
Private parties, by; subject to changes	1957	879
Procedure	1957	324
Salt water rivers	1957	563
Sovereignty offshore areas, pre- requisite to sale; require- ment	1959	342

Subject	Year	Page
INTERNAL IMPROVEMENT FUND (cont.)		
Trustees (cont.)		
Bulkhead lines, fixing (cont.)		
Spoil bank, purchase; effect	1959	1
Capital outlay, expenditure for construction of school on land transferred by; procedure for transfer	1955	611
Conveyance of fill; approval from Pinellas county authority unnecessary	1957	614
Deeds		
Given by, free of former intangible tax lien held by state	1941	203
Reservation of mineral rights; coral rock 041-21	1941	357
Disclaimers		
Payment for, authority to require; applications, requirements	1957	253
Title; Murphy act lands	1943	200
		201
		203
Docks, piers, wharves, etc., construction in navigable waters; authority	1959	373
Everglades national park		
Authority in respect to	1945	456
Conveyance of lands; authority	1949	333
Goat island, conveyance; development for public purposes; authority	1957	440
Guarantee to purchasers under bulkhead law	1957	307
Homesteading by veterans		
Establishing residence	1945	449
Method of locating lands	1945	450
Lake bottom, use for public purposes; authority; Lake Okeechobee	1955	606
Lands		
Acquired by, no cancellation outstanding state taxes on	1935	95
Central and southern Florida flood control district; taxation; tax officials, compensation	1949	229
Conveyance		
Counties, to; reservation of mineral and petroleum rights	1945	458
Reservation of mineral and oil rights		
Natural clay not within purview of law	1957	615
Tax deeds, effect	1951	434
State park, for; conditions	1945	654
Without consideration	1941	360
Dedication	1941	359
Erroneously conveyed; re-conveyance	1943	294
Everglades drainage district taxes; cancellation	1941	357
Lease; validity	1939	423
Murphy, purchase by city of Chipley	1941	170
Sale contract		
Tax certificates, disposition	1951	432
Taxation	1951	432
South Florida conservancy drainage district; tax liability	1941	372

Subject	Year	Page
INTERNAL IMPROVEMENT FUND (cont.)		
Trustees (cont.)		
Lands (cont.)		
Southwest Tampa storm sewer drainage district; release	1941	172
Sovereignty; sale of timber	1941	361
State owned, use of, by local water control authorities created by special acts	1957	321
Subsequently vested in, exempt from taxes	1925	163
Tax receipt, sale of	1931	461
Under contract of sale by; enforcement of tax liens	1947	364
Vested in state under Murphy act, without authority to dedicate to forestry board	1939	424
Logs and timber adrift; authority to sell	1945	715
Mortgages on land covered by tax lien	1935	555
Oil exploration contract; effect of default	1945	448
Overlooked tax certificates, no authority in property covered by	1939	513
Power to convey land and jurisdiction to United States	1943	296
Powers; sale of Murphy lands	1943	202
Public improvements, power to lend funds to political subdivisions for construction of; legality	1957	25
Quitclaim deed to property reserved for drainage purposes	1943	300
Recovery of cost for advertising, etc., for certificate later found void	1957	577
Right of way, without authority to convey to United States government	1931	460
Riparian owners within 1000 feet in certain area; notice by registered or certified mail; requirement under 1957 law	1957	451
Sale of Murphy lands; powers	1943	202
Shell; disposition of proceeds from sale	1947	363
Shell leases	1935	554
South Florida conservancy district; liability for drainage taxes	1939	298
Sovereignty lands		
Conveyed by; right to subsequent accretions	1957	802
Oil leases	1935	558
Spoil-deposit areas formerly submerged lands; title	1945	452
State oil and gas leases; contract obligations; sale of submerged lands	1957	896
State road department; right of way; riparian owners; releases	1949	332
State school fund; rentals received from purchase of certain lands; certain percentage for	1955	446
Submerged lands		
Sale		
Advertising; requirements	1957	476
Notice, procedural requirements; processing fee	1957	226
Powers	1945	459

Subject	Year	Page
INTERNAL IMPROVEMENT FUND (cont.)		
Trustees (cont.)		
Supposed Murphy lands; operation of Futch act	1945	319
Surplus funds; transfer to state building fund	1945	447 453
Tax certificated lands, authority as to foreclosure	1935	557
Tax certificates		
Cancellation authority	1941	361
Everglades drainage district; authority	1931	458
Land conveyed to; cancellation	1939	507
Redemption	1945	461
Tax liens, Hillsborough county; effect of law	1939	424
Title, island in navigable stream; riparian rights	1943	301
Transfer of funds		
Oil and gas exploration; power	1945	448
Upland owners; riparian rights	1945	452
Warrants, certain; signing by attorney general	1907	150 151
INTERNAL REVENUE AGENTS		
Certified public accountants; certificates		
Classification	1943	412
Without examination	1943	413
INTERNATIONAL BANK; RECONSTRUCTION AND DEVELOPMENT		
Bonds		
Intangible personal property tax situs	1959	524
Security for deposit of public funds; investment	1947	15
Exempt securities	1949	479
International carpenters' union; building owned by; tax situs	1957	765
Interposition resolution; meaning, legal effect	1957	104
Interstate peddlers	1935	18
INTERSTATE COMMERCE		
Contracts; liquefied gas delivered by interstate commerce tank cars; naval reservation	1949	480
Drafts of manufacturing plans to be used outside of state; license		
tax liability	1953	275
Intoxicating liquors	1935	316 317
Lightning rod agents; license tax exemption	1905	89
Peddler's license tax, requirement	1905	68
Interstate commerce clause; state contracts; materials; supplies; purchases; bids; favor Florida merchants	1949	338
Interstate commerce commission; endorsement on policy of indemnity insurance does not convert policy into contract on suretyship	1939	133
Interstate highways; relocation of public utilities; reimbursement of costs	1959	126
Interstate parole and probation compact; Florida parole commission; delinquent parolee arrest; authority	1953	718
Intoxicating beverages See: ALCOHOLIC BEVERAGES AND LIQUORS		

Subject	Year	Page
Intrastate telegraphic messages; between points within state through reperformer center outside state; subject to tax	1957	759
Inventory receipts; search and seizure, late delivery; admissible as evidence	1953	711
INVESTIGATIONS		
Crimes		
Constable's fees; approval	1949	48
Sheriff's compensation	1949	40 41 45
Criminal charges; witness, aid of counsel when testifying	1953	698
Dispensing opticians; employment of board members authorized	1949	578
Election law violations; witnesses, immunity from prosecution	1955	524
Game and fresh water fish commission; wild life officer; funds allowed	1949	404
Justice of peace; payment of costs in advance of	1904	67
Juvenile courts, investigations made by sheriff for	1955	741
Secretary of state; corporations; no par value stock; valuation	1949	512
Sheriffs		
Fees		
Court approval, allowed with	1949	41
Manner of payment; amount	1949	44
Per diem; nonresident county or state; ordered by state attorney	1949	42
Witnesses, summon for, by prosecuting attorneys; without authority	1953	31
Investment companies; securities, issued for sale; conditions	1953	527
INVESTMENTS		
Banks	1935	294
Trust funds	1935	297
County surplus funds; regulations	1953	136
Credit unions; estates by entirety as personal property	1953	633
Domestic insurance company, eligibility of Jacksonville expressway authority bonds for investment by	1957	81
Drainage district reserve funds; federal savings and loan association share accounts	1955	553
Florida hospital service plan corporation; funds	1909	552
Foreign		
Banks, trust powers; transaction of business in state; qualification, requirement	1955	919
Mutual insurance corporation; prerequisites for admission to do investment business only	1953	586
Funds of special road and bridge district, investment in bonds of another road and bridge district	1933	182
Industrial schools; funds of inmates; deposit or investment in federal savings and loan associations; authorized	1959	467
Insurance commissioner; funds; authority	1949	525
Municipalities, unregistered investment advisor's contract with; effect	1957	330

<u>Subject</u>	<u>Year</u>	<u>Page</u>
INVESTMENTS (cont.)		
New York savings banks; Florida real estate mortgages; enforce- ment	1949	512 558
Scholarship funds, board of con- trol, authority	1955	615
Sinking fund account for bonds, board not authorized to change form	1933	180
Supreme court justices' and circuit court judges' retirement fund; in- vestment	1955	623
Waterworks revenue certificates not legal investments for state bank	1937	16
Isolated sale; securities; defined	1957	77
Israel, state of; corporation foreign country; securities, sale	1949	477
ITINERANT MERCHANTS		
License tax, law construed	1929	214
Tire and tube dealers, law con- strued	1931	700
Itinerant rentals; Jacksonville Beach; excise tax, levy	1953	178
Itinerant vendors; licenses	1909	47

Subject	Year	Page	Subject	Year	Page
JACKSON COUNTY			JAILS (cont.)		
Bonds, default in payment; arrest of defendant	1951	772	County liable for guard and servant kept by sheriff	1939	64
County attorney; classification as "county solicitor"	1945	771	Custody of	1909	77
Florida park service; golf clubhouse; coverage; state fire insurance fund	1949	340	Escapes, city jail; municipal ordinance violation; application of law	1955	785
Hospital corporation, employees; retirement system, eligibility	1951	244	Female prisoners; matron's services; payment; duty of county commissioners	1949	39
Juvenile court			Guards		
Operation mandatory	1951	70	Deputy, as; wife as servant; authority of sheriff to hire	1949	40
Personnel required; salaries	1951	70	Employment and compensation	1945	113
Small claims court; justice districts; civil cases; jurisdiction	1949	70			114
Tuberculosis sanatorium, admission of patients; hospital cost	1953	451			785
JACKSON MEMORIAL HOSPITAL			Sheriffs authorized to employ	1929	291
Officers and employees, state and county retirement benefits	1955	488		1931	548
Radiologists; fees from "out-patients"; whether violative of practicing medicine	1955	911			630
Jackson square; legal title	1911	51	Holding religious services in halls or corridors; discretion of sheriff	1957	297
Jacksonville Beach, city of; itinerant rentals; excise tax, levy	1953	178	Jailers		
JACKSONVILLE, CITY OF			Compensation	1941	39
Leased property not exempt from ad valorem taxes	1939	451	County commissioners without authority to pay	1905	97
Revenue certificates; Gator Bowl; intangible tax liability	1947	240	Selection	1921	292
JACKSONVILLE EXPRESSWAY AUTHORITY			Expenses, payment	1951	49
Bonds of, eligibility for investments by domestic insurance company	1957	81	Prisoner's mail		
Officers and employees, status of, under state and county retirement	1955	425	Censor, authority to	1925	342
Printing for; authority; competitive bidding	1957	246	Outgoing, authority to withhold	1953	722
Rights, powers and duties of authority and board of administration	1955	898	Servant, employment	1951	247
State board of administration; debt service funds and proceeds of investments, deposit of; authorization	1957	121	Sheriff, compensation	1935	273
Jacksonville, port of; harbor masters, fees; collections, method	1951	452	Janitors	1921	354
JAI ALAI			Joint county-city; city prisoners; sheriff's fees	1945	118
See also: RACING			Keys; right to possession; constables	1945	117
Frontons			Maintenance; duties of county commissioners and sheriffs	1947	151
Operation dates, summer and winter, maximum season allowed	1959	210			157
Permits; intangible personal property, taxability	1959	319	Matron, employment	1923	233
Miami Jai Alai, Inc., application of	1935	489	Municipal		
Permits, discretion in granting	1935	490	Confinement of children, temporary; order of court	1951	65
Jailers See: JAILS			Imprisonment of persons arrested by sheriff or constables, temporary	1951	760
JAILS			Prisoners; temporary emergency basis; incarceration	1949	209
See also: PRISONS			Municipalities; right to use	1943	175
Building tax; furnish and equip physical plant; use	1953	164	Prisoners		
Carbide or gas lighting system	1931	631	Commitment; procedure	1945	117
Construction			En route to another state; temporary confinement	1947	607
Certificates of indebtedness	1949	30	Injuries from assault; liability	1949	47
County commissioners, powers re	1927	291	Overcrowded jail; transfer to jail in another county; expenses, payment	1957	478
	1949	193	Sentenced; partial service; reduction in fine and costs	1949	627
			Town of Temple Terrace; confinement in county jail legal	1949	209
			Transferred for safekeeping; permission to return for purpose of arraignment; requirement	1955	812
			Repairs		
			Plumbing, operation, etc., use of road and bridge fund allowed	1957	671

Subject	Year	Page
JAILS (cont.)		
Repairs (cont.)		
Procedure	1945	251
Revenue certificates; construction investments	1949	194
Sanitation; duties of sheriff, county commissioners	1943	175
Servants; employment and compensation	1945	113 114 785
Sheriff and county commissioners, duties of	1921	354
State fire marshal; jurisdiction with respect to fire hazards	1947	547
Venereal disease patients; treatment of; duties and fees of sheriff	1945	522
Jails and prison camps; rules and regulations in re, sanitation and disinfection authorized	1931	420
"Jane Doe"; insane woman; name and residence unknown; eligible commitment; Florida state hospital	1949	421
Japanese; real estate, whether precluded from owning	1923	156
Jasper, city of; bonds	1911	67
JEFFERSON COUNTY		
Elections; registration books; closing time	1949	133
Sheriff; authority to hire guard as deputy and his wife as servant in jail	1949	40
Small claims court		
Sheriff attendance, per diem allowances	1951	51
Title, use by creditors; prohibited	1951	77
JEHOVAH'S WITNESSES		
Exemption of property from taxation	1947	185
Refusal to salute flag; powers of superintendent of public instruction	1943	256
Jennings, town of; occupational license tax; trucks selling to merchants	1949	261
Jetty; definition	1953	383
Jewelry stores; optometrists permitted to practice while employees of	1933	456
Jewish school teachers; personal leave of absence by reason of religious holidays	1939	203
Jigsaw puzzle; contests; whether violative of lottery laws	1955	246
Jim Woodruff dam; option to United States on certain state lands; sufficiency in form	1947	427
Job printing office; license tax	1933	6
John Doe; witness subpoena, issuance; investigating probable criminal violation; validity	1957	638
Johnson, James E.; senatorial scholarships; credit allowed	1949	325
Joint adventures; interest in; not subject to intangible personal property tax	1957	912
Judah P. Benjamin memorial; appropriation	1935	412
JUDGES		
See also: Specific courts; specific head		
Assignment	1943	108 122

Subject	Year	Page
JUDGES (cont.)		
Assignment (cont.)		
In place of judge temporarily unable to perform duties, compensation of both judges	1959	55
Retroactive order of governor	1945	136
Bail bonds, when accused entitled to	1927	362
Checks, when considered worthless	1927	357
Circuit See: CIRCUIT JUDGES		
Civil court of record See: CIVIL COURT OF RECORD		
Conservators of peace; power of arrest; additional compensation	1949	57
County See: COUNTY JUDGES-COUNTY JUDGES' COURTS		
County courts See: COUNTY COURTS		
Credit for prior service of certain state judges under state and county retirement system; eligibility	1959	94
Criminal court of record See: CRIMINAL COURTS OF RECORD		
Disqualification		
Assignment of substitute	1945	147
Duty when	1931	592
Drunkards; department or convicting judge; authority to restore violator's driving privileges	1959	364
Fees, effect of House Bill 763	1927	360
Game warden, compensation of \$50.00 should be paid	1927	357
Industrial school, commitment to; deficiency in sentence; procedure	1945	764
Juvenile courts See: JUVENILE COURTS		
Leaves of absence for war criminal trials	1945	226
Mandatory retirement provision, applicability	1959	57
Motor vehicles, when liable for "for hire" license	1927	360
Municipal courts See: Municipal courts under MUNICIPALITIES		
Police court, when disqualified to sit in	1927	442
Prisoners, not authorized to parole	1927	364
Qualification papers, when should file with clerk circuit court	1927	364
Retired judges called for active service		
Computation of compensation under retirement system	1959	92
Retirement pay continued	1957	903
Retirement See: RETIREMENT SYSTEMS		
Salaries		
Construction of law	1933	381
Report to show required	1931	569
Sentence		
Commute, authority to, at same term of court as imposed	1929	323
Suspend, not authorized to	1925	322
Service credit for certain state judges for employment as attorney for school board or citrus commission; eligibility	1959	94
Substitution of		
Small claims court; compensation and expense, payment	1951	64
Supreme court authority	1957	318

Subject	Year	Page
JUDGES (cont.)		
Waiver of preliminary hearing by defendant wishing to plead guilty	1947	592
Whiskey, order issued to sheriff to destroy	1931	516
JUDGES, STATE ATTORNEYS AND COURT REPORTERS		
Construction of law in re salaries of		
See: CIRCUIT JUDGES; COUNTY JUDGES-COUNTY JUDGES' COURTS		
JUDGMENT AND DECREE		
See also: CRIMINAL PROCEDURE; SENTENCE AND JUDGMENT		
Deficiency decree; property not exempt may be sold to satisfy	1931	1005
Enforcing lien; recording	1945	155
Financial responsibility law, damage suits arising from accidents; construction of §324.121(1), F.S.	1959	660
Foreign judgment, recording of	1949	35
Motor vehicle accident, judgment rendered as result of; driving and registration privileges; suspension	1957	893
Official record books, recording final judgment in; lien against real estate	1957	119
Property liens; recording of certified transcript	1953	51
Recording		
Date specified; fee	1951	40
Indexing; requirements	1959	740
Small claims court		
Certified copies, fees	1951	77
Compensation for	1957	76
Jurisdiction		
Enforce; effectiveness; Leon county	1949	77
Power to issue execution	1951	86
Judgment and sentence See: SENTENCE AND JUDGMENT		
Judgment lien books; law construed	1939	30
Judicial council, Florida; dissemination of information, expenditure of appropriated funds; authority	1955	644
JUDICIAL DEPARTMENT		
Appropriations for	1935	420
Judgments		
Bonds, costs, etc.; board of administration; authority	1943	325
Enforcement on absent defendant; criminal cases	1943	499
Recording; procedure	1943	114
JUDICIAL OFFICERS		
Conservators of peace; power of arrest; additional compensation	1949	57
Mandatory retirement provision, applicability	1959	57
JUDICIAL SALES		
Forfeiture proceedings; clear title; motor vehicles	1949	355
Hours, continuation	1935	809
Jungle gardens; bulb farming, gasoline used for; tax exemption	1953	289
JUNIOR COLLEGES		
Campus streets, construction; primary or secondary road funds, use; legality	1957	586
County and district school funds not to be used for	1935	440
Establishment, county funds; county school board, authority	1953	319

Subject	Year	Page
JUNIOR COLLEGES (cont.)		
Legal status	1959	186
Pensacola junior college, change of location; use of funds; legality; restrictions	1957	682
Social security; status	1957	59
Supported by more than one county; campus streets, construction; payment	1957	586
Junior deputy program; expenses in connection with; payment	1955	372
		685
Junior operators See: BEAUTY CULTURE LAW		
JUNK DEALER		
License tax	1933	7
Occupational license, liability	1957	54
JURISDICTION		
Accidents on county roads; highway patrol	1951	479
Adultery, living in open; prosecution against	1953	31
Arrest		
Made by highway patrol; violation of state statutes; prosecution in metropolitan court of Dade county without jurisdiction	1959	223
Without warrant; defendant returnable to original justice district	1949	597
Bail bond, forfeiture; court of record, circuit court; concurrent jurisdiction; Escambia county	1951	768
Bastardy proceedings	1945	724
Board of conservation; oysters, size taken from leased beds or bottoms	1949	408
Cession to United States; description of lands	1947	11
Circuit court in county having criminal court of record	1945	218
Civil and military courts, concurrent	1943	495
Committing magistrate; termination of jurisdiction over accused	1947	594
Coroner; justice of the peace; procedure	1949	613
County judges		
Misdemeanors	1945	132
Powers and duties; fees	1949	58
		619
Sentence, set aside; criminal cases	1949	60
County judge's court		
Court of record	1943	125
Dynamiting fish; circuit court	1945	508
Proceedings under uniform support of dependents law	1953	61
Court of crimes, sentence, to run concurrently with federal sentence; without authority	1955	52
Court, over navigable waters	1911	68
Dairies and milk plants; regulation and inspection	1947	472
Foreign divorce from Florida citizen; recognition	1949	78
Game and fresh water fish commission		
Penalty for violation, §374.14, F.S., 1941, or rule 9	1949	397
Privately owned fish ponds	1951	502

Subject	Year	Page
JURISDICTION (cont.)		
High school; lunch counter on foot- ball field; hotel commission	1949	474 475
Hotel commission		
Cooperative apartments	1949	471
Cottages, rentals	1951	599
Efficiency apartments; definition of apartment house	1949	473
Improvement commission; insur- ance; excess of maximum	1949	341
Industrial commission, appeals, workmen's compensation law, injury occurring out of state	1941	554
Insanity, suggestion of; criminal court of record	1945	748
Justice of peace	1927	452
Abatement of public nuisance; authority	1957	485
Convicted defendant, commit- ment to sheriff	1949	618
Counties having		
Criminal court of record	1943	126
Population less than fifty thousand	1945	141 143 36
Criminal cases, trial of	1947	
Execution of warrant after posting of bond; necessity	1945	143
Misdemeanors, trial of	1943	128
Peace bond proceedings	1943	130
Juvenile court		
Child charged with commission of capital offense; waiving of jurisdiction by	1957	792
Temporary awarding of children; divorce case pending	1951	66
Waiver in manslaughter case; reassumption after	1951	67
Military bases; powers of state	1945	77
Milk commission	1939	400
Misdemeanors; trial jurisdiction in counties having criminal courts of record	1947	37
Motor vehicle commissioner; title certificates; records; liens	1949	356 357
Municipal court; unsworn citation furnished by accused, jurisdic- tion	1959	397
Orange county juvenile court	1947	436
Parole		
Commission; probationers only	1949	623
Conviction and sentence under child molester law	1953	645
Phosphate pits; jurisdiction of game and fresh water fish commission	1947	402
Port of Pensacola; harbor master	1953	383
School attendance laws	1941	281
Securities, sale of, within federal military reservations, state regu- lation of	1953	523
Shrimp grounds; Dry Tortugas with- in boundary of Florida	1949	413
Small claims court		
Judgments and executions, Leon county	1949	77
Justice district; civil cases; Jackson county	1949	70
Leon county	1959	402
Notice by registered mail, de- fendant outside county	1955	437
Rent eviction; distress proceed- ings	1951	90

Subject	Year	Page
JURISDICTION (cont.)		
Small claims court (cont.)		
Substitute judges	1949	74
State		
Courts over military personnel	1941	352
Over Gulf of Mexico	1933	264
Territorial; justices of peace; con- stable; search warrants	1949	612
Traffic violations on state road de- partment ferries; highway pa- trol	1953	408
Trial court; modify sentence; power of judge	1953	708
Tyndall air force base, criminal of- fenses committed within boun- daries; state courts	1953	701
YMCA room facilities	1951	595
JURORS		
See also: JURY; GRAND JURY		
Comptroller not authorized to en- dorse requisition for payment unless made by clerk of cir- cuit court	1935	256
Coroners See also: CORONERS'		
INQUESTS		
Autopsy; inquests of the dead; state attorney	1949	617
County judge may refrain from drawing, in certain cases	1929	339
County judges' court		
Compensation	1945 1951	150 76
Fees to be paid from fine and forfeiture fund	1927	390
Payment	1929	327
Per diem	1923	216
Criminal cases		
Expense of meals	1945	150
Woman juror; woman bailiff to attend	1953	706
Eminent domain, right of way in; right to view and fix value	1933	620
Fees		
Civil proceedings, payment	1939	91
Court reporter for reporting and transcribing charges in other than capital cases	1939	87
Jurors and witnesses' report	1941	19
Payment when excused	1941	68
Per diem and mileage entitled to, when summoned for service	1939	93
Small claims court; payment; justices of the peace	1949	67
Tenants not required to pay, in eviction proceedings	1939	92
Unlawful detainer suits	1943	130
Grand jurors; civil action; defense attorney, compensation	1953	137
Inquests		
Compensation	1947	36
Justices of peace; coroner	1949	614 616
Jury commissioners; authorized to include names qualified female persons; Polk county	1949	75
Libel suit against; state attorney to defend, assignment by governor	1955	793
Loyalty and anti-communist oaths; loyalty oaths not required	1949	593
Meals		
Lodging	1935	786
Order to furnish; jurors in crimi- nal cases	1945	150
Payment by state	1905	53

Subject	Year	Page
JURORS (cont.)		
Mileage	1931	480
	1933	525
	1945	150
Allowed	1931	480
Compensation	1929	289
County of residence, not al- lowed outside of	1939	91
More than one trip	1945	150
Per diem, and		
In criminal court	1929	308
When summoned as both juror and witness	1939	93
To and from court	1933	525
Negroes		
Advisability of placing names of, on lists	1923	224
Selection as individuals; quali- fications required	1949	76
Oath, administering	1953	705
Payment		
Procedure for, when appropriation is insufficient	1933	392
Requisition	1935	279
Perjury conviction; competency to sit on jury if civil rights restored	1949	74
Petit		
Sheriff entitled to fees for call- ing	1939	60
Summoning; certified mail in lieu of registered mail; le- gality	1955	183
Qualifications	1927	374
	1947	35
Requirements	1951	75
Requisition, in county court	1937	131
Small claims court		
Challenges, applicable	1953	50
Fees	1951	83
Trials		
Compensation	1953	46
Pay of jurors; venire	1953	46
Summoning		
By mail	1929	316
Method	1945	151
Women		
Not eligible to serve	1923	220
	1939	93
Not qualified by law	1921	285
JURY		
See also: JURORS; GRAND JURY		
Chiropracist; jury duty, nonexemp- tion from	1957	510
Petit jury; sheriff entitled to fees for calling	1939	60
Statutory requirement for calling of jury to jury box for trial of cases	1957	426
Jury commissions; grand jury; proposed act; creating offices	1949	75
JURY LIST		
Certain classes of persons not ex- empt by statute; commercial air line pilots; selection	1955	707
Qualifications of jurors for selec- tion	1951	75
Qualified women; jury duty; Duval and Polk counties; selection au- thorized	1949	75
Jury trial; deposit to secure, illegal to require defendant to make	1929	312
JUSTICES OF PEACE		
See also: CONSTABLES; CORONER; COUNTY OFFICES		

Subject	Year	Page
JUSTICES OF PEACE (cont.)		
Abatement of public nuisance; jurisdiction; authority; Polk county	1957	485
Accident victims, bodies of; re- moval by patrol officers without notifying coroner; authority	1953	389
Acting as conservator of peace or coroner; use of his automobile does not come within definition "authorized emergency vehicle"	1957	235
Acts performed under statute de- clared unconstitutional pending appeal, validity	1955	738
Arrests		
Information; capias service; cases certified	1949	606
Power to make	1949	589
Warrants issued by; execution by police officer; legality	1953	684
Without warrant; hearing in ad- jacent district; case returned own district	1949	597
Assignment by governor	1943	126
Absence of regular justice	1939	48
Attendance in court; authorized to designate officer for	1933	269
Authority of	1923	65
Autopsy; authority to order when death is natural or accidental	1953	715
Bar association dues as expense; not allowed	1957	497
"Beating way on train"; under jurisdiction of	1933	270
Bonds		
Appearance; fees for approval	1947	163
Bail		
Procedure for forfeiture	1947	597
Release of obligator; no crim- inal trial jurisdiction, au- thority	1953	694
Constable, approval by; au- thority	1947	597
Covering fine and costs must be paid	1927	379
Estreature of; jurisdiction	1957	552
Fee bonds, premium payment from general revenue fund	1941	94
Official bonds, surety on; with- drawal	1905	47
Surety bond; substitution for personal bond	1943	163
Breach of peace		
Definition	1955	867
Issue of warrant; authority	1955	867
Broward county; trial jurisdiction; certain cases	1949	63
Candidates		
Filing fees	1947	90
Residence requirements	1951	118
City recorder, may hold position of	1937	69
Civil jurisdiction process	1935	264
Clay county; constable; no author- ity to appoint deputy	1949	64
Clerks and secretaries; county of- ficers and employees retire- ment system; eligibility	1953	162
Commission, issuance	1923	82
Commitment to be directed to sheriff or constable	1939	66
Committing magistrate	1943	128
Affidavit; trial in county judge's court	1945	147

<u>Subject</u>	<u>Year</u>	<u>Page</u>
JUSTICES OF PEACE (cont.)		
Compensation	1941	546
Additional for temporarily assigned justice	1959	95
Commitments to county judge's court	1937	65
Not allowed	1953	36
Conflict between §§6144 and 3383, R. G. S.	1939	51
Constables See also: CONSTABLES		
Annexed district, right to commission in	1937	51
Appointment of		
Only under certain conditions	1933	269
When district abolished	1937	50
Arrests		
Authorized to make	1937	51
Certain cases, authority	1927	376
Deputy, appointment of; on authority	1949	64
Territorial limits; fees	1949	72
Bail bond approval; authority	1949	44
		600
		604
Deputy; appointment by; without authority	1949	68
Jurisdiction; return of prisoners	1947	36
May serve process anywhere in county	1927	375
Mayor of Hallandale, Florida; eligible to serve as	1949	67
Mileage, obtaining appearance bond posted in nonresident districts, not entitled to	1949	65
Sheriff; right to serve process	1943	129
Special constable, construction of law in re authority to appoint	1931	504
Unauthorized to appoint	1931	747
Witness fees; mileage; bond approval; investigation	1949	44
		600
		604
Construction various laws, in re	1931	624
Contempt	1935	263
Continuing in office until successors qualified	1937	65
Coroner See: INQUESTS OF DEAD		
District of his own	1935	263
Duty	1933	269
Jury of, may summon physician	1927	377
Cost deposit for jury in criminal case, unauthorized to demand	1925	343
Costs	1931	617
Acceptance prior to commencement of action; authorized	1959	70
Collection and payment	1927	376
Deposits		
May waive	1909	78
Unused balance; distribution	1949	79
Liability, when prisoner discharged	1913	239
No indictment found or information filed, when	1913	261
Payment of	1931	1054
Entitled to, for issuance of peace bonds	1939	48
In advance, should be required	1931	492
		508
Prepayment		
May require	1919	121
Requirements	1949	621
When required	1917	440

<u>Subject</u>	<u>Year</u>	<u>Page</u>
JUSTICES OF PEACE (cont.)		
Costs (cont.)		
Prisoner is taken before another magistrate, where	1945	144
County, claims against; barred by lapse of time	1947	51
County commissioners		
Abolish office during term, not authorized to	1927	118
Approval	1931	484
Florida Statutes, no authority to supply	1949	172
County officer, designated	1905	147
County school board, may also be member	1933	268
Court		
Costs, partial payment; dismissal by; authority	1957	189
Docket not authorized to be removed	1931	622
Reporter, service; eligibility	1951	45
Courthouse, office space, furnishing	1955	132
Crimes of public nature; collection of costs; without authority	1959	70
Criminal		
Cases, unauthorized to compromise certain	1927	339
Court of record; committing magistrate; appearance bonds	1949	603
Decision of, recall and alter charge; defendant remanded to higher court	1955	889
Defendants, arraignment	1947	163
Disposition of papers filed in criminal cases	1931	468
Disqualification		
Case transferred to another justice or to county judge	1933	268
Procedure	1931	616
	1939	50
Districts		
Abolishment		
County commissioners authorized	1927	116
	1941	61
	1945	144
Effect; DeSoto county		
Legislature, power; referendum	1949	367
Referendum; commissions, issuance	1953	41
Boundaries; change by county commissioners	1945	140
Change or abolish; by county commissioners, no authority	1951	60
Consolidation		
County commissioners authorized	1927	366
		380
	1931	507
Failure for person to qualify	1927	366
County commissioner, power of, to alter	1947	616
County	1921	93
Division of county into; duty of county commissioners	1945	139
Enlarge, county commissioners authorized to	1937	54
Redistricting		
County	1921	308
Effect	1947	63
Required	1927	292
Disturbance of peace outside limits of municipality; jurisdictional authority	1957	280

<u>Subject</u>	<u>Year</u>	<u>Page</u>
JUSTICES OF PEACE (cont.)		
Drunken driving; driver's license, revocation	1949	71
Election See also: ELECTIONS		
Precincts, conformity with districts	1955	419
Executive officer; commitment fees	1945	118
Expenses		
Certain	1931	625
Duty of county to bear	1945	142
Payment	1949	61
Expert witness; preliminary hearings in criminal cases; fees, allowance	1959	332
Fees -	1957	280
Appearance bonds		
Approval	1947	163
When estreated	1959	428
Application of chapter 11893 with reference to justice of the peace	1927	309
Approving bonds	1945	142
Cases bound over to county judge's court, entitled to	1939	49
Certain cases	1931	808
Chapter 11893 not applicable	1927	377
Chapter 18002	1937	68
Civil cases	1931	620
Civil court of record	1955	355
Clerk not entitled to, for copy of indictment to applicant for pardon	1937	69
Commitments when no information filed or indictment found	1937	67
Committing magistrate	1935	266
	1943	128
	1945	141
		754
County officers	1927	375
Criminal		
Jurisdiction; Madison county	1949	68
		69
		614
		615
Reports, preparation	1941	782
Discharge of accused on preliminary hearing	1941	64
Duty of county to pay	1953	691
Dismissal of proceeding	1957	302
Entitled to, when approved by county commissioners	1931	484
Expert witness fees, taxed as cost	1953	38
General	1927	309
		374
	1931	568
		803
	1937	68
	1941	63
Judge small claims court; compensation; Polk county	1949	66
Payment	1927	376
Per diem	1941	63
	1949	80
Attendance own court; Madison county	1949	80
Preliminary hearings	1941	65
Prepayment or deposit for cost	1957	302
Schedule	1941	63
Searches and seizures; appearance and bail bonds	1949	597

<u>Subject</u>	<u>Year</u>	<u>Page</u>
JUSTICES OF PEACE (cont.)		
Fees (cont.)		
Serving papers outside of district, should not receive more for, than in own district	1927	130
Warrant not executed	1957	302
When entitled to	1931	830
Workmen's compensation fund, not authorized from	1939	351
Fingerprint expert; compensation as witness, allowed	1949	61
Firearms; carrying; appointing acting constable	1949	570
Forcible entry and detainer suits; without jurisdiction	1931	761
Fugitive warrant, issuance; jurisdiction	1955	91
Governor not authorized to appoint temporarily	1925	92
Grants of authority to army and navy to remove personnel from scene of accident	1941	779
Hearings, location for holding	1957	167
Industrial school		
Authorized to commit boys	1931	369
Unauthorized to commit delinquent child	1925	346
Inquests of the dead See also: CORONERS' INQUESTS; AUTOPSIES		
Certain case; within jurisdiction; fees and expenses	1905	39
Children involved; jurisdiction	1955	628
Coroner of district	1935	263
Costs, directions	1949	69
		613
		614
		615
		616
County judges		
Authority of, when absent	1949	612
Duties and powers	1905	64
	1933	270
Holding, authorized	1929	353
	1949	69
		614
		615
		616
Jury, procuring	1949	614
		616
Powers	1945	753
Investigation, payment of costs in advance	1904	67
Issuance of warrant under the criminal action for nonsupport; authority	1957	582
Jurisdiction	1925	76
		348
		353
Adjoining districts	1949	65
Application of statute	1931	622
Authority, and cost	1957	280
Certain cases and counties	1931	618
Civil cases	1911	75
Clay county	1949	64
Committing magistrate, duty	1905	208
Construction of law	1931	615
Counties of population less than fifty thousand	1945	141
		143
County court, counties having	1917	430
Criminal	1937	66
	1941	62
Beyond district	1935	265

Subject	Year	Page
JUSTICES OF PEACE (cont.)		
Jurisdiction (cont.)		
Criminal (cont.)		
Brevard county	1949	73
Fees; Madison county	1949	68
		69
Criminal court of record, coun-		
ties having	1943	126
	1947	37
Gadsden county	1949	65
General	1909	59
	1923	65
	1927	374
		375
		452
	1937	70
	1943	128
	1945	141
		143
	1947	36
	1949	70
Jackson county	1949	74
Judge to act	1931	621
Juvenile cases	1949	71
Lake county	1933	269
Liquor law violations	1935	265
	1949	68
Madison county		69
		614
		615
Misdemeanors	1947	37
Osceola county	1949	67
Pasco county	1949	61
		62
Place of commission of crime		
as determining factor	1947	36
Territorial; search warrants	1949	612
Traffic violations	1943	316
Trial of misdemeanors	1943	128
Violation	1955	92
Warrant, execution of, after		
posting of bond; necessity	1945	143
Jurors		
Fees; payment, Hillsborough		
county	1949	67
Qualifications	1927	374
Marriages		
Ceremony; authority to perform	1949	62
License, no time limit re-		
quired	1927	378
Witnesses	1945	721
Mileage		
Allowed	1925	343
	1927	373
Certain cases, entitled to	1925	343
Military leave; compensation	1945	221
Minor cases; dismissal, upon pay-		
ment of cost; authority	1957	280
Misdemeanors		
Jurisdiction; counties having		
criminal court of record	1949	63
Trial jurisdiction	1941	66
		67
	1947	37
Moneys collected without suit; com-		
mingled with public money;		
legality	1959	447
Motor vehicle license law, li-		
cense plates	1927	378
Municipal court; power to furnish		
bail	1949	603
Notary public, elected to office;		
eligible to hold both offices	1904	61
	1917	410

Subject	Year	Page
JUSTICES OF PEACE (cont.)		
Office		
Budgets, overspent; collection		
of over expenditures; Duval	1959	719
county		
Expenses, county commission-	1945	142
ers, authority		246
	1949	61
In courthouse, must surrender at		
command of county com-		
missioners	1933	491
When deemed vacant	1925	350
Papers, authorized to serve out-		
side of district but shall not		
receive more fees than if served		
in own district	1927	130
Peace bonds		
Bind over persons under, powers;		
statutory authority	1947	34
Breaches condition of; imprison-		
ment, subject to; powers of		
judge	1955	92
Forfeiture	1949	73
Proceedings; venue	1943	130
Postmaster, may not legally hold		
office	1917	441
Powers		
Arrests, making	1945	143
Deputy constables, appointment	1945	146
		740
General	1923	237
Inquests, holding	1945	753
Jurisdiction	1921	399
Preliminary hearing; compensation,		
none allowed	1949	54
Primary election, elector not com-		
pelled to cast second choice		
vote	1927	379
Prior conviction, court cannot take		
judicial notice	1927	376
Prisoner		
Bound to higher court, handling	1953	678
Release without bond to attorney;		
sheriff without authority	1953	678
Process		
Authorized to appoint individual		
to execute	1927	377
Criminal cases; where served;		
jurisdiction	1949	67
Service	1935	265
Constable, authority	1953	34
Prohibition law, unauthorized to		
enforce	1931	826
Records transferred; criminal		
court of record, no requirement	1949	66
Removal by governor	1925	92
Residence requirements	1905	140
Resignation or removal; disposition		
of docket books, etc.	1939	51
Seal of office, purchase	1905	160
Search warrants		
Authorized to issue	1923	231
	1931	624
Issuance; authority; Duval		
county	1955	957
Sentence, change or reduce; au-		
thorized	1931	623
Sheriffs		
Cash appearance bond; defend-		
ant appearance in justice of		
peace court; disposition	1959	423
Executive officers	1937	73

<u>Subject</u>	<u>Year</u>	<u>Page</u>
JUSTICES OF PEACE (cont.)		
Sheriffs (cont.)		
Prisoners convicted; jurisdiction	1949	618
Small claims court; judge		
Compensation	1949	66
Office of and justice of peace, held at same time; constitutionality	1953	123
Special		
Census; application to jurisdiction	1957	366
Constable; appointment by; authorized	1925	82
State attorney; assignment to prosecute cases before	1943	122
Supplies and equipment; county commissioners to furnish	1904	60
	1951	231
Suspension, part, or all of sentence; probation	1949	624
Temporary absence; power of governor to make temporary appointment	1947	39
Term of office	1921	69
	1927	380
	1941	547
Unexpired vacancy, filling; election	1953	35
What constitutes	1935	267
To hold office of mayor, simultaneously; legality	1957	126
Traffic officers on state highways, uniforms required	1927	380
Trans-Pacific telephone; marriage ceremony invalid	1949	566
United States commissioner, service as; prohibited	1951	61
Vacancies		
Appointment, expiration of term; Duval county	1955	860
Constable's fees for attendance on county court	1945	138
Nomination; method of filling	1943	158
	1947	108
		109
Office, when deemed vacant	1925	350
	1937	72
Removal from district	1937	72
Verdict, unauthorized to direct	1927	379
Volusia county; vacancy; democratic executive committee; duties	1949	136
		137
		141
Warrants		
Complaint by affidavit, no authority to issue without	1913	198
Criminal		
Endorsement of, by county judge of another county	1935	261
No law requiring copies	1927	373
Issued		
Duplicate	1931	618
Returnable to other courts; fee	1957	280
Peace, county judges authorized to issue	1949	64
Person in another district, authority to issue	1917	435
Search; territorial jurisdiction	1949	612
Served by constable in other districts	1949	69

<u>Subject</u>	<u>Year</u>	<u>Page</u>
JUSTICES OF PEACE (cont.)		
Warrants (cont.)		
Service by sheriff of second county; return of prisoner by constable and guard, compensation	1959	489
Worthless check		
Cases; collection of costs; without authority	1959	70
Statute, warrant issued under; authority	1955	811
Warrant issued without deposit; authorized	1957	859
Write-in votes, if sufficient to elect	1937	140
JUSTICE OF PEACE COURT		
Does not constitute a court of record	1957	532
Writs; authorization to serve	1913	259
Justices of the supreme court See: SUPREME COURT		
Juvenile and domestic relations court; children, permanent commitment for adoption; jurisdiction	1955	89
JUVENILE COURTS		
Assigned county judge; compensation as juvenile judge	1959	55
Assistants and counselors; appointment; constitutional officer; term	1957	391
Children		
Charged with commission of capital offense; jurisdiction, waiving of	1957	792
Child-placing agencies, dependent children, commitment to; jurisdiction	1955	365
Commitment of dependent or delinquent child to licensed home without notice to parents; without authority	1959	442
Committed to training school; transporting, person responsible	1957	843
Crippled child of serviceman; custody	1943	375
Emergency protection; divorce case pending; jurisdiction	1951	66
Illegitimate; commitment to child-placing agency	1947	438
Temporary awarding; divorce case pending; jurisdiction	1951	66
Children's home; child placing agency, commitment of child	1943	373
Counselor		
Appointment; authority	1951	70
Assistant		
Appointed as deputy sheriff; power of arrest; basis for	1959	771
Appointment; method	1951	70
Criminal charges against adult for contributing to delinquency of minors; authority	1957	664
Delinquent children; driver's license; restrictions; legality	1951	74
Employment; mandatory	1951	68
Filing of petitions under §39.04, F.S.	1959	745
Prosecuting attorney	1951	68
Criminal violation by minor; committing magistrates; juvenile court jurisdiction	1959	725
Dade county; dependent and delinquent children, over seventeen, jurisdiction	1949	432

Subject	Year	Page
JUVENILE COURTS (cont.)		
Delinquent children		
Adjudication; effect	1947	25
Married; jurisdiction	1945	551
Sheriff authorized to make commitments, not probation officers	1933	631
Twelve-year-old runaway; extradition	1955	930
Dependent or delinquent minors; jurisdiction after marriage	1943	376
Driver's license of juvenile offenders		
Jurisdiction; violations, restriction	1953	43
Restriction by counselor; legality	1951	74
Traffic violations, revocation; procedure	1955	199
Duval county; funds withdrawn; authority circuit court	1949	77
Expenses		
Appropriation	1955	739
Payments	1951	73
Florida children's commission; eligibility of judge for membership	1947	624
Hillsborough county	1919	88
Investigations by sheriff	1955	741
Judges		
Compensation	1941	546
County commissioners, duty, to fix	1931	1024
Limitation	1951	68
Counselor		
Appointment; duty	1951	70
Salary; appropriation	1955	739
County judge		
Annual report, compensation; Escambia county	1951	248
Compensation	1951	69
		248
Excess fees, not accountable	1953	170
Criminal cases against children, without jurisdiction	1927	361
Dependent and delinquent children; commitment	1943	373
Eligibility of incumbent, to be elected	1939	85
Fees; what to report	1949	52
Primary elections; candidates; qualifications required; Pinellas county	1949	133
Probation officer, appointment; legality	1945	548
Report of compensation; fees and commissions	1949	54
		195
Requirements for office	1931	887
Salary; retroactive pay	1947	160
Sitting as committing magistrate; authority to bind certain adults to proper court for prosecution	1957	664
Vacancy; county judge; authority to act	1949	60
Jurisdiction		
Citizenship, does not depend on; no jurisdiction over criminal offenses	1933	525
Criminal cases, has no jurisdiction to try against children	1927	361
	1933	525

Subject	Year	Page
JUVENILE COURTS (cont.)		
Jurisdiction (cont.)		
General	1927	359
Minors, felony	1949	432
Motor vehicle accidents, juveniles; misdemeanor	1951	487
Sixteen year old child when information filed in circuit court and prior to petition in juvenile court	1959	197
Temporary awarding of children; divorce case pending	1951	66
Waiver in manslaughter case; re-assumption later	1951	67
When children under	1931	371
Merit board; counselor, appointment, duty	1951	70
Operation mandatory	1951	70
Orange county; jurisdiction	1947	436
Order of commitment to industrial school, termination or revocation by judge prior to child's release; without authority	1957	795
Parental rights, cutting of permanent; without authority	1959	442
Parents, trial of, on school attendance charges	1943	260
Personnel required; salaries, expenses, etc.	1951	70
Prisoners, parole	1921	79
Probation officer, Orange county; appointment; legality	1945	548
Sheriff		
Compensation; juvenile offenders, transporting	1951	48
Duties and obligations concerning	1959	310
Special master, referral of cases to; judge, without authority; Orange county	1959	420
Termination or revocation of commitment order, prior to child's release from industrial school; judge without authority	1957	795
Trial of parents without jury, judge jurisdiction over; without authority	1957	731
Witness fees, amount allowed	1955	244
	1957	884
Juvenile delinquents; detention by sheriff, fee for	1957	8
Juvenile offenders See: MINORS		
Juvenile scholarship fund; fraternal benefit society; entitled to exemption	1949	549
JUVENILES		
Juvenile law breakers, apprehension, custody, etc., within school area; school officials' authority re	1959	358
Police department; juveniles involved in accidents and criminal cases, without authority to retain in files, names	1959	723
Revelation of information from juvenile's file to representative of armed forces; legality	1959	201
State attorney, information filed by, without regard to juvenile court action; authority	1959	197
Traffic violations by; disciplinary action by principal, authority	1957	462

<u>Subject</u>	<u>Year</u>	<u>Page</u>
KANNER BILL		
Bonds		
County commissioners should direct by resolution, purchase	1933	217
Matured, judgment, purchase, authorized	1933	153
Past due defaulted interest coupon; purchase	1933	154
County may rescind action to operate under Kanner bill	1933	158
DeSoto county cannot operate under Kanner bill under 1933-1934 budget	1933	159
Gasoline tax money		
Bonds, purchase, under paragraph D; optional with county	1933	153
Disposition	1933	156
Board of county commissioners; authority	1933	74 155
Martin county cannot operate under Kanner bill, under 1933-1934 budget	1933	160
Notice from board of county commissioners necessary to effect operation	1933	158
Orange county, collection interest coupons on stolen bonds	1935	143
Special road and bridge district, not applicable	1933	159
Keeley sanitorium; medicinal liquor, state health officer may issue permit for use	1929	173
Kentucky military institute; automobile license plates; personnel exempt	1949	358
Kerosene inspection tax, collection of certain	1931	338
KEY WEST, CITY OF		
Elections; ballots, use of title "Dr. " on	1951	123
State milk commission; milk industry; market area	1949	467
Key West harbor; schooners; shrimp fishing; harbor master fees	1949	347
Key West hospitalization association; hospital plan, constituting insurance	1953	628
KEYSTONE CHRISTIAN FOUNDATION		
Nonprofit corporation; tax exemption	1957	339
Owners or holders of long time leasehold interest; homestead exemption	1957	339
Kicker and catcher machine See: COIN-OPERATED DEVICES		
KIDNAPING		
Children, custody awarded father; abduction by mother; violation	1951	725
Punishment, life imprisonment	1931	966
KINDERGARTENS		
See also: SCHOOLS		
Principal of; certificate requirement	1905	60
Teacher's certificate, requirement	1905	84
Kinship; degree, defined under		
Nepotism act	1933	580
Kokanut kreme; sale prohibited under frozen desserts law	1939	540
Ku Klux Klan; ordinances making unlawful wearing masks and burning crosses	1949	208

Subject	Year	Page	Subject	Year	Page
La Belle, city of; liquor licenses, transfer; fee or tax; no authority	1951	627	LABOR (cont.)		
Labels; commercial feeding stuffs	1935	719	Manual; disabled veterans; world war veterans entitled exemption	1949	263
LABOR			Migratory farm workers; transportation of prospective employees to place of employer; liability under workmen's compensation law	1959	739
See also: WORKMEN'S COMPENSATION LAW			Minors; maximum working hours per week	1945	562
Alcoholic beverages; licensed vendor; minors' employment prohibited	1949	447	Practice before industrial commission; regulation	1943	383
Barber; percentage compensation; covered by workmen's compensation act	1949	438	Prisoners hired to labor on farm	1917	175
Board of control; duties; disputes; contract; rate of wages; public buildings	1949	281	Private employment agency; non-refundable service fee	1949	446
Child labor laws; no reference to agriculture or domestic employment	1917	171	Public utility arbitration law; disputes; United States phosphoric products company not public utility	1949	447
City employees; union	1943	391	Rate of wages on state buildings; recitals in construction contracts	1947	277
Common labor defined as contained in appropriations act	1959	207	Recruiting, state law applicable	1917	166
Compulsory group insurance plan; legality	1947	615	Right-to-work amendment		
County laborers; inclusion of certain within county retirement system	1953	158	Display of union shop cards; legality	1945	769
County officers and employees; group insurance; workmen's compensation law	1949	442	Effect; unemployment compensation	1945	560
Delinquent contributions; compromise	1947	446	Hotel commissioner; duties	1955	433
Disabled veterans; license taxes; entitled exemption	1949	218	Nonunion musicians and employer; rights	1945	769
Emigrant labor agents	1943	393	State agencies; employees; loyalty and anti-communist oaths required	1949	595
Applicability to employment of professional persons; license requirement	1957	846	Tobacco processing; workmen's compensation, exemption	1951	543
Street risk, accidents, workmen's compensation law, application	1951	540	Unemployment compensation		
Employees			Declaratory judgment suit by industrial commission	1945	157
Two or more employers	1943	381	Disqualification; effect of right-to-work amendment	1945	560
Employers' contribution rates; cigar workers; benefit year	1949	444	Fund; status as trust fund or continuing appropriation	1949	443
Employment record, transfer	1943	389	Interstate benefit payment plan, powers of industrial commission to enter into	1947	444
Florida industrial commission			Proposed federal law; effect	1945	558
Merit system; appointments	1949	440	Tax warrant; execution by sheriff	1945	560
Unemployment compensation delinquent contributions; claims	1949	445	Work records; authority to copy	1943	382
Workmen's compensation division; general counsel; part-time work	1949	441	Workmen's compensation law		
Florida public utility arbitration law; Western electric company, inc.; public utility	1949	447	Florida crippled children's commission; employees	1945	555
		448	Injured school employee; application	1945	399
Fraudulent contract	1923	221	State road department; minor employees double compensation	1945	554
Golf professional; workmen's compensation law coverage; club employee	1949	439	LABOR INSPECTOR, STATE		
Government agencies; self insurers; workmen's compensation division; entitled to assess	1949	437	Continuing appropriation for salaries and expenses, \$5961, C. G. L.	1939	8
Hours considered a day	1917	167	Governor authorized to appoint and pay	1937	455
Hours of service, drivers of motor vehicles, trucking industry	1935	797	LABOR UNIONS		
Landscaping, as horticultural labor, exempt under workmen's compensation law	1939	375	Annual reports	1945	602
License qualifications; employment agent; state of Florida	1949	446	Apprentice training programs; apprenticeship committee or labor union liability to suit	1957	283
			Assignment of wages to, for certain purposes; documentary stamp taxes, liability for	1959	53
			Business agents; licenses	1945	602

Subject	Year	Page	Subject	Year	Page
LABOR UNIONS (cont.)			LAKE OKEECHOBEE (cont.)		
Constitution asserts right to strike, organize or solicit membership of governmental employees; prohibition	1959	241	Within boundary of Palm Beach county	1933	498
Group life insurance; extension of coverage to nonunion members	1959	196	Lake Shore hospital; officers and employees, state and county retirement benefits	1955	488
Group life, sickness and accident insurance coverage	1955	190	Lake Worth inlet district; commissioners, electing; method	1931	985 1059
Local; group life insurance; more than one; ineligible	1951	669	LAKELAND, CITY OF		
Members			City employees association; group life insurance; reinsurance; contracts valid	1949	520
Employer bond to guarantee payment of salaries	1949	438	Civic organizations; advertising funds; donations authorized	1949	207
Group life insurance coverage	1951	674	Firemen's relief and pension fund; retirement, eligibility under certain conditions	1955	215
Property; exemption from taxation	1945	288	Municipal hospital boards; political subdivision of state; for OASI purposes	1957	438
Meeting places	1949	219	LAKES		
Public employees, organizing and soliciting membership; limitations and restrictions	1959	241	Bottoms		
Reports to secretary of state	1945	602	Lake Okeechobee, use for public purposes; authority of trustees of I. I. fund	1955	606
LAFAYETTE COUNTY			Ownership; taxation	1947	178
County commissioners, compensation	1957	726	Sand and fill material from; trespass upon sovereignty lands	1955	180
Race track funds; county veterinarian's salary mandatory	1949	197	Lake-bed, ownership	1909	86
Lake City, city of; firemen; old age and survivor's insurance; eligibility	1951	272	Not leasable by state	1909	69
Lake Conway water and navigation district; tax assessments, beginning date under 1957 law	1957	217	Private; game commissioner no jurisdiction over fish propagated	1929	333
LAKE COUNTY			Public waters, taking by private industry from; conditions precedent	1955	608
Jail; prisoners; venereal diseases; sheriff's fees	1949	415	Venue for prosecutions of violators of laws; rules and regulations of game and fresh water fish commission	1957	153
Judgments			Water level control by soil conservation districts	1947	513
Payment by board of administration			Land and seagoing trailers; motor vehicle license; requirements	1957	93
Proceeds of special levy	1941	445 446	Land surveys; maps and plats, for record of; requirements	1957	118
Sinking funds	1941	447	Land trusts; interest of beneficiary in state; real property or personal property	1955	828
Justice of peace courts; jurisdiction	1949	71	LANDLORD AND TENANT		
Local option elections; registration of electors	1947	503	Eviction proceedings; tenants not required to pay jury fees	1939	92
Special road and bridge district funds; payment of excess accumulations to county by board of administration	1941	446 447	Hotel commission; safety regulations; heating equipment	1949	474
Worthless check, authority to issue warrant for out-of-state check, goods delivered to out-of-state; jurisdiction	1955	897	Rent eviction, small claims courts' jurisdiction	1951	90
Lake George; board of conservation not authorized to shorten closed season	1939	287	Sanitation, responsibility; tenants	1943	357
Lake Hatchineha boundaries; declared to be in Polk county	1931	485	LANDS		
Lake Istokpoga; fishing; regulation; authority	1939	330	See also: REAL ESTATE AND REAL PROPERTY		
LAKE OKEECHOBEE			Acreage given in government surveys; assessment; tax assessor, duty to follow	1955	442
Closed season on black bass	1939	539	Aliens; right to purchase	1945	770
County commissioners; contribution to commercial fisheries association	1947	148	Assessment		
Fishing boats; licenses	1945	514	Certain cases, procedure necessary	1927	311
Lake bottom, use for public purposes; authority of trustees of I. I. fund	1955	606	Description in absence of recorded plat	1947	131
Salt water fish law	1941	498	Subdivided	1927	426
Title to lands	1917	96 214	Unknown, assessed as	1923	231 290
Venue for prosecutions of violators of laws, rules and regulations of game and fresh water fish commission	1957	153	Auction of tax foreclosed lands; re-opening bidding	1945	310

<u>Subject</u>	<u>Year</u>	<u>Page</u>
LANDS (cont.)		
Baldwin drainage district; tax delinquent; assessments; county settlement	1949	346
Bond estreature judgment lien; release	1945	310
Bottoms, purchase procedure	1923	287
Ceding jurisdiction to United States; description	1947	11
Clerks circuit court; plat recorded with deed of conveyance	1949	211
County		
Sale by county commissioners; authority	1945	243
		312
	1949	175
Tax sale certificates individually held; limitations	1949	243
Deed from husband and wife; form	1947	576
Delinquent taxes; failure to issue tax certificates; effect	1945	293
Donation by county to nonsectarian school	1945	454
Eroded lands; ownership, taxation	1947	178
Erroneous sale		
Board of education, refund	1945	362
County		
Liability for purchaser's expenses	1945	235
Refund	1945	303
Errors in description on assessment roll; correction after tax sale	1947	179
Everglades national park; conveyance to United States trustees' authority	1949	333
Excess sections, method of dividing	1931	614
Filled-in; title	1945	451
Foreclosure of tax liens by counties; time of redemption; costs of suit	1945	320
Game preserve; owner's consent required; game and fresh water fish commission	1949	405
Homesteading by veterans	1945	449
		450
Improvements, assessable for taxation	1931	713
Japanese, if precluded from owning	1923	156
Lake bottoms; ownership, taxation	1947	178
Leased from federal government; houses constructed by individuals; taxation	1949	231
Maps and plats; survey by civil engineer	1947	464
Master's deed supersedes plat	1927	334
Misdemeanor to remove timber or work for turpentine purposes, when sold for taxes	1927	432
Mortgage foreclosure cancels plat	1931	667
Municipalities; purchase from state; disposition; legality	1949	240
Murphy act; easements; public purposes; survival	1949	225
Oil and gas leases; power of board of forestry and parks	1945	651
Overflow from natural causes; drainage	1945	503
Owners		
Redemption of part of tract; legality	1931	503
Roadways abandoned, reversion of title	1927	441
Platting for taxation	1927	334

<u>Subject</u>	<u>Year</u>	<u>Page</u>
LANDS (cont.)		
Posting	1921	232
Trespass against; legal fences	1945	649
Protection; procedure	1931	734
Purchases		
County; taxes; cancellations; commissioners; authority	1949	226
Department of public safety	1945	495
Resubdivision; construction of taxing statutes	1947	193
Resurvey of platted subdivision by county commissioners	1945	266
Reversion to state through lien for 1933 taxes	1945	291
Riparian rights; lands abutting on a street dedicated to the public; owner's rights	1957	17
Sales		
Certification to state; procedure	1927	189
Municipalities; taxes; county foreclosure	1949	240
Tax collector; unpaid taxes; procedure	1929	291
Taxes	1931	461
School lands under contract for conveyance; taxation	1947	205
Shell; sale; disposition of proceeds	1947	363
State school; interest of railroad acquiring right of way	1945	506
Submerged		
Riparian owners; tax certificates not guaranteed by state	1949	213
Sale by trustees of internal improvement fund; authority	1945	459
Subsurface interest; ad valorem taxation	1945	368
Suit to restrain turpentine and mill operations, when sold for taxes	1929	227
Surplus arising from sale for taxes; disposition	1939	525
Tax deed		
Issuance to highest bidder	1945	318
No trespass where person holds	1933	603
Taxation		
Easement granted to Florida inland navigation district; exemption	1933	95
Tax sale; time of redemption	1945	321
Transferred from county to county	1949	20
Timber not to be removed	1923	235
Title when waters recede	1917	96
Trustees, internal improvement fund		
See: INTERNAL IMPROVEMENT FUND		
Tuberculosis board; power to purchase subject to forfeiture provision	1947	431
United States owned and leased; interest of lessee taxable	1949	253
		315
Water conservation area; tax liens; partial payment; effect	1949	240
Water lines	1923	243
LARCENY		
Acts of 1951, effect on §§811.01, 811.02	1953	646
Definition	1953	646
Escapees; Florida industrial school for boys; authority county judge	1949	430
Motor vehicle; conviction; revocation of drivers' license	1949	368
Petit, conviction; loss of right to vote	1953	72

Subject	Year	Page
LARCENY (cont.)		
Return of stolen money or motor vehicles to owners; procedure	1957	822
Sections 811.01 and 811.02; effect of chapter 26912, 1951	1953	646
Worthless check violators; punishment same as crime for larceny	1957	425
Largo sentinel; county public printing, contracts; regulation	1957	102
Lauderdale-by-the-Sea, city of; alcoholic beverage licenses, transfer fees; authority	1951	626
LAUNDRY AND DRY CLEANERS		
See also: DYE WORKS AND DRY CLEANERS		
Automatic laundry washing and drying machine, coin operated, license requirement	1959	404
Engaging in business; insurance; surety bond	1949	466
Insurance business; agent's qualification law, violations	1941	727
LAW ENFORCEMENT OFFICERS		
Agent, forestry department, not authorized to serve court papers	1939	391
Grand jury testimony; witness fees and mileage not allowed	1939	88
Radio and television station, electronic equipment, same frequency as that used by law enforcement officers; legality	1959	489
State attorney testimony; witness fees and mileage, not prohibited by criminal procedure act	1939	89
LAW EXAMINERS, BOARD OF		
Appointment of members	1939	315
Deficiency in salaries to be paid from general revenue fund	1937	9
Expenses; manner of requisition	1945	148
Salaries; payment from general revenue fund	1937	9
Law library, board of; director, appointment; term of office	1949	202
Law of setoff; board of public instruction, Dade county; does not apply in claim	1931	268
Lawns; production and sale of; sodding, tame grasses as farming; occupational license, requirements	1959	735
LAWS		
Acts enacted at 1957 session, effective date	1957	202
Administration by local officers	1917	99
Amendment by subsection	1949	397
Appropriations	1919	190
Chapter 7919, providing for hog cholera serum, etc.; constitutionality	1919	236
Chapter 18285; no effect on chapter 16804	1937	492
Claim of newspapers for publishing	1931	299
Conflicting; passed same session; effect	1949	26
Constables; authority enforce beverage laws	1949	68
Constitutionality	1919	188
Construction	1931	624
Copies to assistant state attorney	1939	96
Departmental construction	1917	107
Effective date	1923	217
	1935	786
Act becoming law without governor's approval	1957	154

Subject	Year	Page
LAWS (cont.)		
Effective date (cont.)		
Laws enacted at 1957 session of legislature	1957	202
Enforcement of state laws; municipal police officers, authority	1953	683
Exclusion of a single county from operation of a general law or statute, effect	1955	121
Fish and game, interpretation	1927	455
Following construction of federal courts	1917	236
Hotels required to post; penalty for violation	1939	542
Incompetency proceedings; examining committee, compensation; effect of amendment	1953	450
Incorporation of federal laws by reference	1935	759
Legislative requirements	1935	751
Legislature only can repeal	1931	377
Operative five days after approval	1917	233
Passage after veto	1935	755
Population basis; construction	1931	500
Price, regulation by act of legislature	1925	134
Printing, not current expense of session laws	1931	826
Repealed by legislature only	1931	377
Special, notice of introduction	1935	794
Valued policy law; law of co-insurance; application and interest	1941	731
		732
Lawyers See: ATTORNEYS AT LAW		
Lawyers title guarantee fund; securities, deposit of United States bonds; insurance commissioner	1951	649
Layoff; veterans; preference in retention in positions; layoffs, procedures	1959	321
LEASEHOLD INTERESTS		
Intangible personal property; taxability	1957	841
Real property of state, county, etc.; tax situs	1957	546
Tangible personal property taxes; assessment and collection	1955	111
LEASES		
See also: TAXATION; INTERNAL IMPROVEMENT FUND		
Agreements; taxability	1941	207
Buildings		
Leased land; jurisdiction state hotel commission	1949	469
Outdoor advertising; documentary stamp tax	1933	49
City prisoners leased to counties	1949	626
Commitment under rental lease; lack of appropriation; industrial commission, no liability	1953	483
Cooperative apartment leases; documentary stamp tax	1947	231
County owned buildings; bids, requirement	1951	228
County owned property; county commissioners, authority	1957	79
Documentary stamp tax	1947	223
		227
Gas or oil, exempt under securities act	1933	591
		592
		596
Gasoline concession at municipal airport on gallonage basis	1947	273

Subject	Year	Page	Subject	Year	Page
LEASES (cont.)			LEASES (cont.)		
Grazing; board of parks and historic memorials; granting	1951	635	State's retained oil interest; working agreement	1945	451
Homestead exemption	1941	163	Sub-lease, documentary stamps required	1933	46
Intangible personal property taxes; long term lease; subordination of fee to mortgage	1955	953	Tangible personal property; subject to intangible personal property tax	1957	233
Lands			Taxation; federal government lands; houses constructed by individuals	1949	231
Military air bases; taxation	1949	231	Trustees I. I. fund		
		253	Oil	1935	558
		315	Validity under law	1939	423
Outdoor advertising; documentary stamp tax	1933	49	Unused school property, lease by board	1947	320
Leased property; tax situs	1937	585	Unwritten, for less than one year	1933	631
Lessee; purchase of tax certificate on adjusted basis, consent of owner	1935	91	Veterans' commission; office space; powers	1945	476
Long term			Water bottoms	1923	160
Homestead exemption; liability	1953	312		1933	500
Lands; documentary stamp taxes; homestead tax exemption	1959	525	Written, documentary stamp tax	1933	43
Real property; subordination of fee to mortgage lease; tax situs	1957	550	LEAVES OF ABSENCE		
Married women's property; joinder by husband or wife	1943	484	See also: MILITARY FORCES; STATE OFFICERS AND EMPLOYEES		
Municipalities; purchase of fire truck by county commissioners; authority	1949	172	Accumulation; with pay; deceased state employees; teacher	1949	324
Municipally owned property, county taxes, liability	1951	284	Acting county commissioners; appointment	1943	164
Ninety-nine year, documentary stamp tax	1933	44	Clerk, circuit court; powers of acting clerk	1943	165
Oil and gas			County commissioners		
Assignments; documentary stamp taxes	1949	255	Employment on air base project	1951	211
Blackwater river state forest; lessees' and optionees' privileges	1951	633	Under indictment; compensation	1947	151
Documentary stamp tax	1945	336	Employees		
Forestry board; negotiation; power	1953	568	Board of control and institutions; military service	1949	156
Game and fresh water fish commission; authority	1943	331			450
Lands of board of forestry and parks	1945	651	Entitled to leave	1943	168
Mining; undivided interest, sale; registration as securities	1951	607	Highway patrolmen; municipal traffic surveys, employment; granting	1951	483
Murphy lands	1945	269	Judges and prosecutors; absence for war criminal trials	1945	226
Negotiation by forestry board, power	1953	568	Military		
State; contract obligations; sale of submerged lands	1957	896	Calculating days in military training	1959	607
Option; documentary stamp tax	1933	44	Clerk, circuit court	1917	213
Owner and holder, not entitled to homestead exemption	1939	447	Compensation	1943	167
Oyster beds or bottoms					168
Lease to nonresident	1913	137			170
State board of conservation; jurisdiction	1949	408			171
Privately owned lands leased to city for public purposes; tax situs	1959	88	County		
Privilege tax on oysters; collection; legal procedure	1937	288	Commissioners	1949	158
Railroad property; documentary stamp tax	1933	47	Officers	1943	167
Real property			Solicitor	1917	215
Leased from city, improvements by lessee; taxability	1959	765	Superintendent; substitute	1943	167
Leased to municipality, used as parking lot; tax situs	1957	561	Expiration; compensation while on terminal leave; assistant state attorney	1945	226
Long term, tax liability	1951	278	Justice of the peace; compensation	1945	221
			Leave with pay	1947	128
			Members of boards, etc.	1943	168
			Municipal		
			Employees; salaries during leaves	1953	124
			Officers; governor to grant	1943	169
			Public employees; form	1945	222
			Resumption of office, state attorney	1945	220
			Return to former position, school principal	1945	225
			State and county officers	1943	170

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
LEAVES OF ABSENCE (cont.)			Lee, Honorable James Martin; in memoriam	1945	6
Military (cont.)			LEE, TOWN OF		
State employees	1947	128	Jail, erect and maintain; authority	1955	35
		129	Police officer, powers and immunity	1955	35
		359	Legal advertisements See: ADVERTISE-		
Application for reinstatement; time	1945	223	MENTS		
Reemployment	1951	211	Legal holidays; days constituting, in Florida	1929	410
Retirement privilege	1951	211	LEGAL RESIDENCE		
Right to former positions	1945	222	Home and domicile; definition as to citizenship	1933	540
		224	Married women, construction of law	1941	208
Thirty days; pay	1945	220	Taxation basis	1943	222
State legislature, members	1949	156	Legislation; general appropriations act, construction of, with §§216. 171 and 216. 23	1959	167
Teachers; principals; compensa- tion	1943	166	LEGISLATIVE COUNCIL		
		171	Chairmanship held by outgoing president of senate, termination of office	1953	3
Vacancy in office	1943	255	Members, appointment	1951	25
Military service; computation	1951	212	Outgoing president of senate; no longer member	1953	3
National guard members; officers, employees; state, county and city; with pay	1949	331	LEGISLATIVE INVESTIGATING COM- MITTEE		
Professional; exchange of teachers; supplemental compensation	1945	400	Contempt of legislature; extent of punishment	1957	36
Public employees			Testimony of witness before; sub- poena; immunity	1959	717
Enter military service; form	1945	222	Witnesses		
Reserve officers' training	1947	129	Failure to respond to subpoenas; contempt of legislature	1957	36
Retroactive; school teachers; re- tirement, credit granted	1951	412	Fee, payment	1957	38
Servicemen reemployment as state employees	1955	171	Legislative reference bureau; appropri- ations made by chapter 59-500, ap- plicability	1959	198
Sick leave			Legislators See: LEGISLATURE		
School teachers	1939	171	LEGISLATURE		
Compensation	1937	176	See also: INTERIM COMMITTEES		
	1939	168	Acts		
State			Effective date to become law without governor's approval	1957	154
Attorneys	1917	194	Publication	1905	152
Employees; national guard ser- vice; pay	1949	158	Annexation of territory by city; statutory procedure	1947	173
Geologist	1917	188	Assessment and collection of taxes, without authority to pass local laws	1939	516
State and county officers and em- ployees; continuous unbroken service, breach of; law con- strued	1957	404	Attaches, compensation increased; power by resolution	1947	13
Teachers			Candidates		
Continuing contract rights	1957	1	Assessment and filing fee	1913	219
Number of days; Monroe county	1947	129	Salary; assessments	1949	124
		312			126
Professional; basis of salary pay- ment	1947	314			127
Salary during period of absence beyond authorized sick leave	1947	313	Time of qualifying	1945	197
Sick leave absence caused by illness of relative	1947	313	City commission not authorized to repeal act	1931	377
University professor's military leave; thirty days' pay	1947	129	City commissioner elected as mem- ber; resignation required; Miami, city of	1949	22
Volunteers for military service under new six months training period; effect upon state and county officers and employees	1959	133	Conflicting laws passed same ses- sion; effect	1949	26
LEE COUNTY			Constitutional amendments; three- fifths vote of both houses re- quired	1939	532
Bonds, payment by board of adminis- tration when held under Futch act	1941	448	County judge, additional; Dade county; unconstitutional	1949	56
Fishing regulations; nets and seines; Lee county waters	1949	411	Courts, authority to abolish	1931	980
Gig or spear fishing unlawful; com- mercial purposes only	1949	408	Criminal court of record, addition- al judge; effective date of bill subsequent to referendum; per- missive	1959	162
Mosquito control district; gasoline used in equipment and chemical formulas; tax rebate	1957	764			
Pine Island and Bocilla special road and bridge district bonds, par- ticipation in gas tax funds	1941	449			
Seines and nets; illegal use; confis- cation, destruction ordered	1949	411			

Subject	Year	Page
LEGISLATURE (cont.)		
Delegation of certain legislative powers to chairman of senate and house appropriation committee, validity	1957	194
Deputy constable; appointment; local bill unconstitutional	1949	22
Dog track tax; H. B. 80-X not within purview governor's call	1949	25
Enrolling report; reference by number alone; identification	1949	23
Exclusion of a single county from operation of a general law or statute; effect	1955	121
Expenses; appropriation	1935	419
Extended session		
Additional proposed legislation; two-thirds vote of members either house required	1957	169
New legislation, introduction	1957	162
Recesses; construed	1957	188
Extraordinary session		
Appropriations bill not within governor's call	1949	25
Calling during recess of session; call pursuant to §3, Art. VII	1955	676
Game and fresh water fish, comprehensive study; powers and duties of committee	1955	830
Interim committee; appointment pursuant to H. R. 96-XX; expenses, payment	1955	808
Legislation to be considered	1955	160
Reapportionment		
Sine die adjournment	1955	245
Validity	1955	366
Recesses, etc.	1955	200
Speaker or speaker-elect, reconvene legislature in accordance S. C. R. 33-XX; authority	1955	890
Subsistence and per diem when legislature in extended recess (supplement)	1955	160
Vacancies, filling	1943	142
Federal amendment, authority to pass upon	1917	199
Fisheries research, appropriation; use	1953	435
Florida board of parks and historic memorials; agency created by senate bill 441 of 1949	1949	509
Freeholders, power of legislature to define, to exclude therefrom homestead owners who pay no tax	1959	159
Game and fresh water fish commission; rules and regulations; penalties for violations	1949	397
Gasoline taxes, allocation; powers	1933	76
General appropriations bill, delegation of certain legislative powers to chairman of committee; validity	1957	194
Goat Island, conveyance; development for public purposes; authority	1957	440
Haley committee, expense fund; public contributions; acceptance and administering	1951	23
Hotel commissioner, retroactive salary increase; validity	1947	474
House of representatives		
Adjournment; computation of time	1955	219

Subject	Year	Page
LEGISLATURE (cont.)		
House of representatives (cont.)		
Candidates		
Filing fee	1947	86
Qualifying; group designated	1951	87
Concurrent resolution No. 1964; committee expense, payment	1957	124
Members		
Democratic executive committee; duty; vacancy	1957	639
Eligibility to hold office of school trustee	1949	136
Expenses; effect of resolution	1947	137
Party assessments; filing fee	1945	141
Rules of procedure; revision	1949	144
Vacancy; method of filling	1947	623
Impeachment proceedings	1945	87
Assistants, clerical help, etc.; compensation	1949	124
Board of managers		127
Compensation	1947	13
Funds for expenditure by	1949	84
Powers		
Chief justice and members of senate, status when trying impeachments	1957	249
Senate; employment of extra personnel by state treasurer; legality	1957	382
Interim committee	1957	208
Appointment pursuant to HR 96-XX; expenses, payment	1957	249
Costs and expenses, payment	1955	830
Expenses; appropriation	1955	80
Experts, employment; payment	1955	729
Game and fresh water fish, comprehensive study; powers and duties	1955	830
House concurrent resolution 1775, expenses	1955	407
Mental health problem; per diem and travel, allowance	1955	265
Senate resolution 648; expenses	1955	406
Interposition resolution; meaning, legal effect	1957	104
Journals	1935	793
Judge of qualifications of members	1919	62
Justice of the peace districts		
Abolishment, powers; referendum required	1949	367
Alteration, powers	1947	616
Legislation		
General operation, 1945 enactments; summary	1945	12
Initiative and referendum	1931	732
Local or special; advertising	1927	460
Population act; validity	1945	90
Legislative		
Committee; old age recipients, list furnished; right questioned by federal authorities	1949	426
Payroll, effect of recent amendment	1953	4
Legislator to hold office of county prosecutor; eligibility	1957	26
Local bills; special session; consideration by two-thirds vote, both houses; notice	1949	23
Local option election, authority re	1959	108

Subject	Year	Page
LEGISLATURE (cont.)		
Local or special acts; referendum elections; requirements	1959	153
Members		
Appointment	1923	66
Circuit judge; eligibility for appointment	1945	103
Employment in other state positions; salaries	1953	4
Leaves of absence; military service	1949	156
Municipal judge; eligibility	1921	255
Offices created; eligibility	1933	507
	1935	760
Oil inspector, cannot continue in position	1921	209
Per diem and travel expense during extended adjournment	1955	307
Probation officer, cannot continue as	1921	71
Resignations		
Procedure	1945	217
Revocation	1943	93
Salary; candidates, qualifying fee	1949	124
		126
State office, when prohibited from holding	1933	614
Tax certificates, application of law	1931	372
Wildlife conservation commission, not eligible for appointment	1927	260
Motorboats; local legislation to control operation in adjacent waters; enforcement	1957	501
Municipalities		
Establishment and abolishment, powers; provision for protection of creditors required	1949	203
State collected taxes, reallocation	1949	24
New industries, tax exemptions	1951	302
Offices; when deemed vacant	1925	68
Parks and monuments, committee to make survey; expenses	1947	523
Pending bills		
License taxes for private benefit; constitutionality	1945	357
Pest control commission, creation; constitutionality	1945	86
Real estate commission; constitutionality	1945	85
Poll tax law, authority to change	1931	980
		983
Preparations for session, expenses, salaries, etc., incurred in making; payment	1955	3
Proposed single bill levying all state taxes; constitutionality	1945	91
Public assistance; state welfare board; new age and residence requirements; change	1949	24
Reapportionment of representation	1945	79
		81
		84
Regular session, hour of termination at end of sixty days	1957	161
Retired state or county officer or employee; service as member; retirement benefits	1953	128
Retirement system; legislative service, prior service credit for full term as legislator	1957	584

Subject	Year	Page
LEGISLATURE (cont.)		
Securities law; effect of error in amendment	1947	482
Senate		
Assistant state attorney, not required to confirm appointment	1937	115
Interim investigating committee; powers, expenses	1945	88
Members		
Citrus commissioner, eligibility for appointment	1947	523
Commissioner, overseas road and toll bridge district, cannot hold office	1937	464
Nonconcurrence in suspension of officer; effect	1945	365
Officers, removal; powers	1945	218
During session	1943	97
President, out-going; no longer a member of legislative council	1953	3
Representation; reapportionment	1945	79
		81
		84
Speaker or speaker-elect, reconvene legislature in accordance SCR 33-X; authority	1955	890
Special acts; requisites for validity	1945	91
Special session		
Local bills considered by two-thirds vote of both houses; notice	1949	23
Messages from governor	1943	96
Standards of time; power to alter	1945	93
State-owned buildings; permanent names	1945	438
State regulatory boards, commissions, etc., regulation of expenditures	1953	9
State university system, construction of building or repairs not to exceed certain amount; legislative authorization	1957	494
Vacancy by death; special election	1949	84
Vetoed bill, approval; effective date of appropriation	1947	615
Voting places, local laws designating; constitutional prohibition	1945	771
LEON COUNTY		
Board of adjustment; zoning; rehearings; power	1949	184
Bonds, redemption; procedure	1941	467
Candidates, deadline date for qualifying	1953	119
County judge's court, prosecuting attorney		
Bond estreatures, compensation	1951	59
Fees and commissions, report	1951	250
Game and fresh water fish commission; suits; rules and regulations; validity	1949	398
Race track funds allocated; replacement	1943	438
School board; salary and mileage	1945	383
School district bond election; registration period	1945	185
Small claims court		
Actions for; attachment, distress rent, enforcement of statutory liens, replevin; jurisdiction	1959	402
Executions upon judgments; jurisdiction to enforce	1949	77

Subject	Year	Page
LEON COUNTY (cont.)		
Subleasing convicts of	1907	142
Westcott property; entitled ex-emption	1949	219
Lepers; designation of leprosarium	1935	477
LETTERS PATENT		
Application for	1923	85
Issuance; legality	1923	91
		122
Levee or dike; county commissioners; construct or rebuild; no authority	1949	181
LEVY COUNTY		
Boats taxable; county or state; situs to tax	1949	249
Livestock running at large impounded	1949	507
Oysters; county commissioners authorized to assist in paying for planting	1937	56
Liability insurance See: INSURANCE		
LIBERTY BONDS		
Board has authority to sell and invest proceeds in like securities	1933	164
Sale; disposition, etc.	1933	163
LIBERTY COUNTY		
Lands; omitted taxes; tax sale certificates; cancellation	1949	239
Mileage tax; disposition of, by board of administration	1941	415
Registration for special primary	1947	71
School board; no authority to hire trustee; construction work	1949	293
School trustee election; supervisors of registration; voter list compensation	1949	95
		96
Sheriff		
Compensation		
Additional fees	1945	110
Expenses	1947	45
Livestock; enforcement expenses	1949	506
State road right of way over Murphy act lands	1949	217
LIBRARIES		
Contracts; transfers of funds; appropriation; budget	1949	334
County public libraries		
Appropriation, assessment; expenditure of public funds	1949	199
Assessment; expenditure of funds	1949	199
Commissioners; authority to establish	1949	200
Free use, who entitled to	1927	443
School expenditure and support of	1935	467
Election, Putnam county	1941	147
Free use of, who entitled to	1927	443
Librarian; payment from public school funds	1935	449
Municipal; establishment and maintenance; election, number of electors required	1957	858
School expenditure and support	1935	467
State library board		
Appropriation may be used second year	1939	16
Book fines; disposition of funds	1945	455
Deposit of funds in state treasury; necessity	1945	455
Moneys received; how deposited	1943	296
Secretary, appointment; as state librarian	1951	432

Subject	Year	Page
License plates See: MOTOR VEHICLES		
LICENSES AND LICENSE TAXES		
See also: TAXATION		
Accountancy, certificate to practice		
Reinstatement of	1959	8
Revocation and suspension, vote of board necessary for	1959	8
Accountants	1943	413
Partnerships, in; not authorized to practice unless each member licensed	1929	263
		364
Persons who do not hold themselves as public or certified accountants; occupational license requirements	1957	496
Temporary; issuance by state board of accountancy	1927	232
Adding machines, typewriters; repairs	1931	707
Agency, tax collector prohibited from maintaining, for motor vehicle commissioner	1939	77
Agent of others; collection agency	1949	246
Agents, salesmen of manufacturing concern, soliciting orders outside home county, liability	1955	317
Aircraft; classification as motor vehicles	1947	277
Airlines; occupational license tax	1947	252
Airplanes		
Common carriers for hire	1931	695
Liability	1931	708
Alarm clocks designed for public use, coin operated; liability	1953	279
Alcoholic beverages See: ALCOHOLIC BEVERAGES AND LIQUORS		
Aliens		
Insurance agent, as; United States citizenship not required	1949	534
Nonresidents, when liable for salt water fishing	1937	572
Payment, when required	1923	159
Alligator hunter's requirement	1955	667
Amusement parks	1931	616
Carnivals	1933	26
Apartment houses		
Construction of law	1929	204
Definition	1945	609
Project; federal housing administration; hotel commission license fees; exemption	1951	596
Apartments		
Computation of units	1941	664
Cooperative	1927	267
Hotels, etc.; revocation, reinstatement	1941	665
Unfurnished; jurisdiction state hotel commission	1949	471
		473
Application; foreign vehicles; registration	1949	353
Armories; rental of for certain forms of entertainment; occupational license tax requirement	1957	876
Assessment and collection by city	1931	727
Atlantic national insurance company, home office in state, exemption of premium taxes	1959	186
Attorneys as adjusters	1947	254
Auctioneer		
Liability	1925	280
Public	1933	36

Subject	Year	Page
LICENSES AND LICENSE TAXES (cont.)		
Automatic laundry washing and drying machine, coin operated, license requirement	1959	404
Automatic music machine	1935	22
Automobiles		
Agencies	1935	23
Enforceable without special notice	1917	204
Federal government use	1917	271
Payment on, by county; construction of statute	1931	554
Radios; radio dealers; selling	1933	11
Repair shop, operation outside municipality; license tax not required	1933	5
Stock car racing	1949	271
Tire and tube dealers	1935	21
Bail bond runner, license and qualification taxes	1955	630
Bakeries		
Determination; method	1931	1002
Payment required on each place of business	1933	21
Steam, required to pay \$10.00	1933	22
Banks, state; exemption	1945	345
Barbering service; person on federal emergency relief administration	1933	36
Barbers' sanitary commission; applicants; duties and requirements	1949	461
Beach chairs, umbrellas, etc.; license on occupation of renting	1947	265
Beauty culture	1935	21
	1943	415
		419
		421
Barbering, extent licensed beautician may engage in, without obtaining license	1959	44
Beauty parlor	1935	7
Law		
Hair-coloring demonstrations; requirements	1957	770
Veterans; registration fees	1941	648
Nonresident veterans; license without examination; eligibility	1951	587
Practicing without registration certificate	1945	593
Teacher; additional	1943	420
Billiard tables, requirements	1904	60
Blind persons, occupational license, requirement	1959	683
Blood pressure readings; license of practitioner	1947	263
Boarding houses	1923	185
Interpretation of law	1931	709
Requirements	1925	366
Boats		
Carrying express, required to pay gross receipts tax	1933	14
Fishing pleasure, use; requirements	1955	225
Operating outside territorial waters	1941	496
Owned by tourist courts and motels for rental; requirement	1955	765
Salt water fishing		
County commissioners engaged in; requirements	1951	509
Requirements	1939	493

Subject	Year	Page
LICENSES AND LICENSE TAXES (cont.)		
Boats (cont.)		
Taxation, powers; city of Apalachicola	1955	839
Boot and shoe repair shops	1935	12
Brokers		
Insurance dealers	1923	135
Issuance	1923	240
Partnership, construction of law	1927	282
Stocks and bonds	1933	20
Building contractors		
Payment; requirements	1931	712
Without established places of business; requirements	1933	5
Building permit fees; liability of state agency	1945	436
Buses; payment of for hire license instead of private use license; refund	1931	383
Businesses		
Court appointed receivers; requirement under operation of receivership only	1949	269
Equipment located on grounds of state institutions; liability	1953	286
Operation within area zoned against such business; occupation license requirement	1957	595
Salesmen in several counties	1945	783
Cafeterias		
Classification; taxability	1943	429
Operation; educational institutions; requirement	1957	118
Caterers, operation at certain educational institutions; license requirement	1957	118
Certain operators, not required from	1925	175
Certificate of proficiency as prerequisite under basic science law	1939	318
Chain stores		
Additional tax; power of comptroller to collect	1943	228
Chapter 16848, 1935, effect as to other licenses	1935	24
Definition; race track shops	1945	343
Penalty applying to years 1931-32	1931	279
Unenforceable tax, payment; refund	1945	341
Character reader, requirement	1953	282
Charged water	1935	17
Chartered or incorporated club entitled to reduce fees	1937	229
Chauffeur's license; minors, temporary	1941	414
	1943	318
Chautauquas	1927	350
Cherokee Indians; exemptions	1947	252
Children's boarding homes; duties of welfare board	1945	542
Chiropodists; time for payment of fee	1937	262
Chiropractors		
Basic science requirements	1943	400
Renewal; military duty	1941	622
		623
Requirements	1945	570
	1955	360
Cigar manufacturers	1907	122
Amount due	1929	383
Cigarette permit, fee		
Disabled veterans	1945	369

Subject	Year	Page
LICENSES AND LICENSE TAXES (cont.)		
Cigarette permit, fee (cont.)		
Veterans	1943	230
Circuses, shows; exhibition of animals	1943	231
Citrus fruit dealers		
Definition; liability	1945	655
Payment, when not required	1937	558
Club corporation, foreign; use of word in name; eligibility	1955	719
Code horse scheme, legality; occupational license, issuance	1955	494
Coin-operated machines; violation; authority county officials to seal	1949	261
Collection		
Agencies	1931	261
Commissions; payment from state emergency fund	1945	256
Expense payable from collection of revenue fund	1937	502
Company to qualify under foreign corporation law	1925	210
Comptroller to enforce	1935	13
Concert halls	1921	227
Conch shell dealers	1939	494
	1941	498
	1923	158
Confederate soldiers, peddling		
Consulting psychologist; license to practice	1947	450
Contractors	1931	696
Bidding on certain state highway jobs required to pay	1937	562
Construction of law	1939	533
Government work; liability	1937	560
Public buildings	1935	3
Public works	1935	14
		15
Cooperative lunch room, employees only; hotel commission license, exemptions	1951	595
Corporations, nonprofit; employees of; occupational license tax requirement	1959	318
Corrective exercises and muscular development; occupational license	1947	262
Country club members, meals served, license requirement	1955	478
County judge		
Driver's license, issuance to resident of another county; authority	1939	492
Fees	1939	331
Issuance of license to tax collecting agency; bond required	1929	187
List of names of persons paying, publication required	1929	332
County surveyors	1913	261
County voting dry, outstanding license not canceled	1939	499
Coursing dogs, trainer	1945	354
Crab dealers See: Seafood dealers, this heading		
Cracker works	1921	133
Cream		
Cottage cheese; tax liability	1937	562
Imported; dealers liable	1937	565
Cripples, peddler's license; exemption	1904	68
Dale Carnegie courses, occupational license tax	1959	599

Subject	Year	Page
LICENSES AND LICENSE TAXES (cont.)		
Dance halls	1929	330
	1931	577
		708
	1933	16
Disabled veterans; exemption	1947	267
Operation in connection with cafe; separate license	1947	266
Dancing places liable	1937	564
Day nurseries; extent of regulation	1947	438
Deer license, Collier county; use of funds for restocking	1945	646
Delinquent, collection; tax warrants or executions, issuance and enforcement	1957	145
Dental examiners, board of; suspension; authority	1939	385
Dental laboratory	1935	3
Dentists	1909	72
	1943	410
License by state board as prerequisite to obtaining occupational license	1947	264
Detroit fire and marine insurance company		
Certificate of authority; renewal	1925	213
Payment required under new charter	1925	212
Disabled persons peddling medicine, exempt	1933	27
Dog racing; taxing authority	1945	344
Drafts of manufacturing plans to be used outside of state; liability	1953	275
Drivers' licenses See: MOTOR VEHICLES		
Drug stores with registered pharmacist required to pay license to state board of health	1933	23
Dry cleaners and dye works	1927	438
	1929	383
Dry cleaning and laundry board; agencies, collection of additional fees	1941	667
Electric light and telephone companies; liabilities	1905	76
Electrolysis, prerequisite to practice	1941	610
Emigrant labor agents	1943	393
Employment of professional services; license requirement	1957	846
Employment agencies	1947	253
Private		
Nonrefundable service fees	1949	446
Procuring labor for local and out-of-state employment	1957	185
Revocation; witness fee, advance payment	1959	125
Employment agent; license qualification; experience required	1949	446
Engineers, professional; occupational license for each engineer in corporation	1947	254
Entertainment furnished by certain businesses; license requirement	1955	665
Exemptions		
Banks	1945	345
Carnivals and other businesses when operating under contract with fair association	1933	12
		31
Cherokee Indians	1947	252
Disabled persons	1953	308
Peddling medicine	1933	27

<u>Subject</u>	<u>Year</u>	<u>Page</u>
LICENSES AND LICENSE TAXES (cont.)		
Exemptions (cont.)		
Effect in other states	1917	100
Filling stations	1931	706
Hunting and fishing, nonresident children	1951	508
Invalids	1941	225
Licensed beauticians; massage registration act	1949	464
Limitation	1951	322
Local act; validity	1945	357
Masonic temple; portion used for commercial purposes	1947	188
		197
Massage school; county operated	1947	469
National guard sponsored entertainments, etc.	1947	356
		357
Outdoor advertiser's license; signs erected on owner's premises	1947	468
Partnerships; eligibility	1947	271
Peddler's license	1933	7
Persons parking cars outside race tracks	1933	14
Pharmacist employed by non-profit hospital corporation	1955	120
Purchaser of sacks and bags	1933	7
Veterans	1941	227
	1949	266
Certain property, exemption not allowed	1931	678
Disabled veterans	1933	9
	1945	349
		350
	1947	177
		267
		268
		269
	1949	264
Barber's registration fees	1951	586
Bona fide resident of state	1933	9
Cigarette permit fee; liability	1945	369
Dance hall license	1947	267
Dealers in seafoods, not entitled to	1939	453
Deceased; widows	1949	269
Fish bought in Florida; sold in Georgia	1949	407
Limitation	1951	325
		326
		588
Manual labor	1949	264
Opticians' fees	1949	268
Outdoor advertising; individual device permits	1949	262
Requirements	1951	328
Restaurant owned and operated	1949	261
Sum of fifty dollars	1949	261
Vending machines, licenses	1947	267
Game and fresh water fish statute, exemption not allowed	1939	457
Hotel commission law, exemption not allowed	1939	456
Malt, sale; exemption not allowed	1933	22

<u>Subject</u>	<u>Year</u>	<u>Page</u>
LICENSE AND LICENSE TAXES (cont.)		
Exemptions (cont.)		
Veterans (cont.)		
Payment on property purchased with money paid by United States government; exemption not allowed	1929	222
Retired and disabled	1951	328
Exhibitions on railroad cars; liability	1939	518
Explosives		
License fees; deposit with state treasurer	1941	409
Possessor	1943	439
State and county agencies; requirement	1955	397
Storage or use	1917	131
User; operating at several locations; license requirements	1955	567
Fair associations; liability	1937	566
Farm and grove products		
Dealers; liability	1927	354
Producers		
Exemption	1931	344
Selling free of tax	1931	743
Sale	1935	16
Federal emergency relief administration, barber in employ of, rendering service to clients of transient bureau; exemption	1933	36
Federal savings and loan associations; occupational license liability	1957	933
Fees		
Certain cases; refund	1925	281
Illegally exacted; refund	1941	5
		500
Fernandina port authority; toll bridges	1949	270
Fertilizers, manufacturers; liability	1904	49
Filling stations, when subject to additional tax	1929	208
Firearms		
County commissioners to issue for carrying	1923	242
Permit to carry; license required for separate counties	1959	425
Fish dealers	1933	17
Certain; liability	1925	282
Fresh water fish	1955	284
Special license required	1929	275
Imposing by city; legality	1927	440
Receiving depots, not required to pay license	1933	26
Requirements	1923	264
	1931	430
Salt and fresh water fish; liability	1937	567
Wholesale and retail	1927	284
		286
	1929	414
	1931	768
Differentiated	1931	389
Fish peddlers liable	1937	568
Fishing		
Additional dollar; Hillsborough county	1949	56
Boats		
Foreign; liability	1937	570
Free rental when parking fee paid	1949	404

Subject	Year	Page
LICENSES AND LICENSE TAXES (cont.)		
Fishing (cont.)		
Boats (cont.)		
Lake Okeechobee	1945	514
Length	1941	496
Chapter 11838; effect	1927	283
Children; exemptions	1931	430
Nonresident	1951	508
Cities and towns prohibited from levying on fish industry	1931	390
Commercial fishermen's helpers	1951	506
Counties and cities without au- thority to collect	1917	162
County judge; fees	1927	358
Disposition	1925	327
Enforcement in certain counties	1925	268
Fishing camp operators, boats for rental; licenses	1953	639
Fresh water	1941	491
		492
Certain counties; disposition	1925	288
License tax, when not re- quired	1933	28
Penalty for catching fresh water fish	1949	403
Rod and reel	1949	407
Game and fresh water fish com- mission; poles; requirements	1949	404
Home county, resident may fish without license	1937	567
Nonresident	1951	512
Requirements	1925	349
Operative period	1945	510
Osceola county	1941	490
Out-of-state agents, issuance	1947	404
Phosphate pits	1941	490
Residence requirements	1953	432
Resident defined	1931	565
Rod and reel, still fishing; re- quirements	1951	509
Sale; out-of-state agent; county judge's office expense; theft; fees for counsel	1949	58
Salt water See: SALT WATER FISHERIES		
Sport fishing, Lake Okeechobee; licenses	1941	502
Violation and forfeiture	1941	491
Florida grower-seller; occupational licenses, exemption	1949	269
Football stadium liable	1937	572
For hire license		
Definition	1929	281
Motor trucks; requirements	1931	1015
Motor vehicles operated by ware- housemen; requirements	1927	271
Municipalities, application of law	1931	927
Refund; legality	1931	382
		383
Requirements	1931	385
School buses; requirements	1931	386
Trucks transporting citrus, not required	1937	548
Foreign companies		
Fertilizer, required to pay on agents	1929	347
Insurance; operation in state; requirements	1957	452
Transacting rental business in state; license requirement	1957	385
Foreign corporations, transporting natural gas into state from with- out; liability	1959	353

Subject	Year	Page
LICENSES AND LICENSE TAXES (cont.)		
Fortune tellers		
Occupational license, require- ment	1955	923
Practicing without permit; whether violative of licensing laws	1959	370
Fox hunting; season	1941	486
Fractional	1913	180
Issuance	1905	162
Fraternal benefit societies		
Agents	1945	694
Amounts	1945	345
Exemption	1945	358
Free motion pictures, exhibition by vendor of alcoholic beverages; additional license tax	1947	500
Frozen desserts		
Drug stores manufacturing and selling	1941	661
Manufacturer		
Liability	1937	576
Selling only through own re- tail stores, classified as retailer	1933	10
Fruit juices, manufacturer; re- quirements	1933	21
Fruits and vegetables	1931	765
Certain wholesale business re- quired to pay	1931	704
Funds		
Payment by state road depart- ment to county commission- ers	1937	480
Separate fund, to constitute	1925	173
Transmitting to foreign coun- tries; regulation	1945	356
Funeral directors and embalmers	1927	434
	1929	203
	1933	23
	1943	411
Board of funeral directors; is- suance; authority	1939	305
Management of funeral homes	1949	457
Owner of business; requirements	1945	581
Veterans; exemption	1945	584
Funeral home; Florida state hospital; operation	1941	532
Furniture dealers	1907	209
	1935	11
State license required for each store operated	1933	24
Furs and hides		
Agents and wholesale dealers	1941	493
Buyers and dealers; require- ments	1927	262
Dealers; requirements	1929	276
	1933	19
		27
Gambling devices; prohibition	1947	590
Game and fresh water fish com- mission		
Convicted persons denied	1949	401
Resident definition	1955	397
Game and fresh water fish licenses; county judge, duty	1953	423
Game cock farms, fee	1953	285
Game in the nature of bingo	1947	590
Garage	1909	69
Gardens operated for profit	1945	351
Gas-measuring slot machines, subject to tax	1905	99
Gasoline		
Dealers	1921	166
Other like products; liability	1927	181

Subject	Year	Page
LICENSES AND LICENSE TAXES (cont.)		
Gasoline (cont.)		
Dealers (cont.)		
Wholesale; illuminating and lubricating oils; requirements	1927	197
Refund of amounts collected on shipments in interstate commerce	1927	195
Sold to certain schooner, liability	1927	201
Golf courses; privately owned; liability	1957	10
Grapho analyst, requirement	1953	282
Green grocers	1907	95
		97
		200
Gross premium tax; interpretation	1941	221
Growers; retail of own produce	1943	233
Half year, no authority to issue	1923	291
	1939	483
Hand writing analysis as a profession; occupational license tax, requirements	1959	283
Healing arts; issuance by board of medical examiners without certificate of proficiency	1941	608
Hemia clinics, sales of trusses	1951	325
Hostesses, nonresident manufacturers; orders, interstate commerce; liability	1951	317
Hotels	1921	167
		251
Additional required	1939	486
Apartments and rooming houses; owners subject to prosecution	1923	192
Collection; state hotel commission without authority in certain cases	1929	279
Commission required to collect	1933	20
Commissioner authorized to collect	1927	268
Nature of fees; liability of disabled veterans	1947	268
Occupational tax in addition to license tax imposed by hotel commission, required	1939	488
Operation; municipal zoning ordinance, conflict with; prohibited	1951	594
Rooming houses, apartment houses and tenement houses; liability	1927	265
		266
Statutory definition	1945	606
Veterans; exemption	1941	662
Housing projects; hotel commission license and building fees; exemptions	1949	474
Hunting	1909	63
Alligators; requirement	1955	667
Children; exemptions	1931	430
Nonresident	1951	508
County judge; fees	1913	265
	1927	358
Deer, special license required	1939	487
Disposition	1925	327
Exemption	1929	340
Forfeited; right	1931	435
Guest; requirements	1927	371
Guides; requirements	1955	17
Homestead	1929	340
Persons convicted; denied	1949	401

Subject	Year	Page
LICENSES AND LICENSE TAXES (cont.)		
Hunting (cont.)		
Refund of moneys	1935	627
Residence requirements	1953	432
Resident defined	1931	565
Special act recognized	1931	522
Hypnotist; practice in connection with medical science, teaching or entertainment; requirement	1957	740
	1959	52
Ice cream, itinerant makers; liability	1937	574
Ice manufacturer maintaining retail depots; requirements	1933	35
Insecticides and fungicides; construction of law	1937	577
Insurance See: INSURANCE		
Insurance companies; transacting business within boundaries of certain political subdivision, occupational license tax, subject to	1959	634
Interstate commerce; peddler's tax	1905	68
Intoxicated drivers, revocation	1941	407
Invalids, exemption	1941	225
Issuance		
"C" tags; authority	1937	549
To whom	1925	323
Itinerant vendors	1909	47
	1929	214
Jennings, town of; trucks selling to retail merchants	1949	261
Junk dealer	1933	7
Traveling; requirements	1957	54
Labor agents; employment of professional services; license requirement	1957	846
Labor union business agents	1945	602
Lawns, production and sale of; sodding, tame grasses as farming; occupational license, requirements	1959	735
	1907	202
Lawyers	1929	381
Requirements	1931	965
	1929	385
Liability; determination; method		
License inspectors		
Board of photographic examiners; employment	1943	422
Employment; power of county commissioners	1947	251
Lightning rod agents, engaged in interstate commerce; exemption	1905	89
Limited surety agents; city of Miami	1953	612
Liquefied petroleum gas		
Appliances and equipment; distributors; dealer's license	1953	535
Dealers	1947	259
Appliance; license for each place of business	1947	260
Collection of fees from	1959	401
Municipality as	1947	261
Requirements	1955	461
	1959	51
Surety bond or insurance	1947	548
License fee, refund	1957	564
Requirements	1949	481
Local exempting act; validity	1945	357
Lodging establishments; licensing of individual units rented on monthly basis	1955	654
Machine shop	1935	12
Maintenance tags; overweight vehicles; reciprocal agreements	1949	359

<u>Subject</u>	<u>Year</u>	<u>Page</u>
LICENSES AND LICENSE TAXES (cont.)		
Manicurist	1935	21
Markets, state owned; taxability	1941	229
Marriage See: MARRIAGE		
Massage		
Coin-operated machines, etc.; equipment; requirements	1959	253
Registration law; exemptions	1945	598
		599
School operated by county; exemption	1947	469
Masseur		
Moral charge; revocation; suspension	1949	464
Travel in performing professional duties; permissible	1953	507
Maternity homes; state welfare board	1945	540
Medical technologists; board of basic sciences; no authority	1949	465
Medicine		
Issuance of license on basis of temporary license	1927	252
Shows	1951	316
Merchants		
Coupons used; requirements	1931	705
Druggists, etc., when using trading stamps	1929	410
Metascientists; requirements	1945	564
Midget automobile racing	1945	344
Midwifery, applicants to practice; osteopathic physicians as sponsors	1949	450
Mileage tax refunds; aircraft and pilots	1949	379
Military reservation, recreational facilities; municipal license tax; authority	1955	549
Milk		
Law; application free license	1933	35
Processors and dealers liable to license under chapter 13696	1929	250
Vending machines, exemption from	1959	147
Miniature automobile racing	1947	268
Miniature golf course subject to Minnows brought into state, sale for fish bait; nonresident fish dealer's license; requirements	1929	379
Money lenders	1959	365
More than one on same business	1931	695
1913	193	
Mortgage solicitors		
Employed by mortgage brokers, license requirement	1959	449
Occupational license tax, requirements	1959	428
Motel operators; billboards; joint advertisers	1949	462
Motion picture exhibitions; bars and hotels	1949	267
Motor fuel distributors, cancellation of licenses	1951	331
Motor trucks transporting United States mail; privately owned	1949	365
Motor vehicles See: MOTOR VEHICLES		
Multigraphing office, license required of job printing office not applicable	1933	6
Municipalities		
Disabled veterans; exemption; limitation	1951	326
Imposition	1909	83
Itinerant photographers; validity	1951	259

<u>Subject</u>	<u>Year</u>	<u>Page</u>
LICENSES AND LICENSE TAXES (cont.)		
Municipalities (cont.)		
Motor vehicles used for hire, not exempt from paying on	1929	284
Petroleum dealer licensed elsewhere; Madison, city of	1949	266
Physically handicapped persons; exemptions	1951	323
Punchboards; gambling; sheriff's duties	1949	580
		581
		582
Restriction on imposition	1927	288
Right to tax automobile transportation company	1929	414
Schedule of license taxes, required to file	1933	16
State farmers' markets, holders of stalls	1935	514
Municipally owned stadium; leased for entertainment purposes; license requirements	1959	84
Mutual issuance companies; exemption	1941	226
National banks	1907	123
National guard sponsored entertainments, etc.	1947	356
		357
Naturopathic physicians		
Law regulating licensing; status	1959	67
Residence requirements	1959	480
Revocation when convicted of felony	1941	625
Suspension	1953	491
News dealers, when not applicable	1929	375
Newspapers and magazines, out-of-state publishers; soliciting advertisement; license requirement	1955	692
Night clubs	1931	708
Nonresidents		
Automobile owner exempt	1937	550
Dealer's tag, use; authority	1937	553
Definition re game law	1931	628
Hunting license; requirement	1905	149
		176
		282
Liability	1929	
Motor trucks for hire; requirements	1925	154
Motor vehicles		
Exemption, when allowed	1927	394
Operation by self required to obtain benefits under law	1939	493
Requirements	1925	155
		189
Shrimp boat; revocation	1945	514
Not transferable	1931	821
Notary public		
Fee		
Administering oath to applicants	1939	404
Writing in office of tax collector, no additional	1933	582
Nurseries; exhibitions, amusements, etc., maintain within area; separate license requirement	1959	594
Nurses		
Eligibility	1945	575
Examinations; Florida state board; where conducted	1949	453
Issuance	1943	407
	1951	581
Registered; requirements	1929	394
Trained nurse	1933	18
Nursing homes, exemption of certain	1953	466

Subject	Year	Page
LICENSES AND LICENSE TAXES (cont.)		
Occupational		
See also: Specific occupations, this heading		
Businesses; court appointed receiver	1949	269
Expenses payable from collection of revenue fund	1937	502
List, law requires publication	1931	571
Penalty; application	1947	251
Refusal by tax collector for non-compliance of workmen's compensation act	1935	532
Tax collector; duties	1931	920
Oculist	1907	194
Oil company; comptroller, duty to collect	1931	698
Oil well cementing company; classification	1945	358
Oils, illuminating or lubricating, license tax on wholesale dealers in, §1210, C. G. L.	1933	8
Old age assistance fund; appropriation	1945	544
Opera houses, requirement	1905	148
Opticians	1907	194
	1933	19
Dispensing opticians		
Applicants' qualifications	1949	466
More than one place of business; liability	1953	508
Fees; exemptions; disabled veteran	1949	268
Optometrists	1935	5
Employees; preparing glasses	1953	509
Examination requirement; failure to pass	1949	452
Revocation	1925	258
	1943	402
State board not authorized to issue, without examination	1933	456
Osteopaths		
Exchange without certificate of proficiency	1941	620
Recordation when issued; prerequisites	1927	255
Renewal requirements	1945	568
Suspension procedure	1945	568
Temporary licenses	1943	400
Outdoor advertising See: ADVERTISEMENTS		
Outdoor theaters, operation of two or more screens; occupational license requirements	1959	422
Oysters		
Business	1913	132
Canning factories	1913	138
Resale	1913	134
Parking cars outside race tracks, not required	1933	14
Parlor cars	1907	91
Partnerships; exemptions	1947	271
Passenger buses may operate with "C" tag	1937	551
Payment enforceable by imprisonment	1915	148
Peddlers	1907	95
Exemptions		
Cripples	1935	10
Each county where goods sold	1931	896
Ex-confederate soldiers	1904	68
Disabled war veterans	1931	707

Subject	Year	Page
LICENSES AND LICENSE TAXES (cont.)		
Peddlers (cont.)		
Exemptions (cont.)		
Ex-confederate soldiers	1904	68
	1905	176
Invalids	1935	10
Interstate commerce	1905	68
	1935	18
Merchandise	1933	36
Proviso relating to license requirements; construction	1959	540
Requirements	1929	202
	1931	886
	1937	569
Wrought Iron Range Co.; stove sales; requirements	1905	206
Penalties; effective date	1947	251
Persons in training, military camps, eligible to acquire resident hunting and fishing license	1939	500
Persons not registered under regulatory laws; occupational licenses, issuance	1959	371
Pest control; agents; out-of-state operators; certification	1947	469
Pharmacists		
Employed by nonprofit hospital corporation; exemption	1955	120
Suspension or revocation of registration certificate	1945	579
Photographers; itinerant; liability	1939	485
Phrenologists; occupational tax	1941	227
Physical therapists		
Procedure to procure license	1941	612
Proof of qualification prior to issuance	1953	287
Requirement for issuance	1955	463
Physicians and surgeons		
Employees; preparing glasses	1953	509
Examination required	1927	252
Liability	1917	93
Nonresident		
Certificate of registration must be recorded with clerk circuit court of some county in state	1927	256
Medication shipped to patient inside state for treatment	1953	488
Occupational tax	1904	74
Qualifications necessary to obtain license	1933	460
Recording in another county, when necessary	1927	248
Temporary license		
Qualifications	1945	601
Requirements; scope	1945	566
Physiotherapists See: Physical therapists, this heading		
Piano tuners employed by music store; requirements	1933	12
Pick-up delivery trucks; for hire tags	1947	390
Pilots; federal felony parolee	1949	347
Pin ball machines; free plays; mechanism	1949	270
		585
Pipe line companies; public service; taxability	1959	300
Places serving heated sandwiches; occupational license requirement	1955	683
Plasmatic physicians, qualification requirements	1951	315
Playing cards and radios; dealers required to pay	1929	376

Subject	Year	Page
LICENSES AND LICENSE TAXES (cont.)		
Plumbing contractors; bond requirements	1951	318
		617
Pool tables	1935	17
Requirements	1904	60
Practical nurses; examination requirements	1949	453
Practitioners, private hospital; requirements	1925	90
Premium stores, occupational license	1951	321
Prescription of drugs; Florida licensees	1945	605
Private benefit, proposed law; constitutionality	1945	357
Private employment and promotion offices; liability	1953	280
Private hunting preserves, occupational license requirement	1959	260
Productive credit associations organized under federal law; exemption from occupational license tax	1959	450
Professional		
Athletic teams; liability	1945	355
Bondsmen		
City of Miami	1953	612
Occupational licenses, liability	1953	283
Licenses See: Specific heads		
Men; conviction of felony; revocation; reinstatement before civil rights restored	1951	575
Professions and vocations; administrative boards; member armed forces; status	1949	156
		450
Public		
Hack or dray; license exemption to certain persons	1904	68
Park; restaurant building leased by state agency; operator liable	1949	470
Utility companies, license requirement	1905	76
Publication of list	1935	20
Race tracks		
Admission tax, amount required of licensee	1933	4
President; taking part in operation; subject to tax	1949	485
Racing commission not authorized to issue licenses	1933	25
Radio		
Liability	1931	314
Dealers	1933	18
Stations	1937	579
Railroads		
Lessee not subject to	1919	183
Trackage, required to pay on	1933	8
United States control	1917	478
Real estate brokers and salesmen	1907	45
		202
	1923	289
	1927	171
		434
Amount to be collected	1927	280
Appeals from orders of commission	1947	466
Certain counties; residence requirements	1953	289
Chapters 11336-12223; construction	1927	280

Subject	Year	Page
LICENSES AND LICENSE TAXES (cont.)		
Real estate brokers and salesmen (cont.)		
Collection from brokers	1927	173
Corporation must pay for agents	1923	295
Liability	1937	579
Listing in municipality other than place of business; license requirement wherein such property is located	1959	688
Making occasional sales, required to pay	1933	15
Municipal tax; limitation	1951	258
Nonresident	1945	590
Registration fee not construed as Requirements	1927	173
	1925	177
		324
	1927	171
		173
	1955	733
		820
Real estate commission, when member may appear before court in matter of revocation	1925	280
Real silk hosiery mills; sales managers and solicitors; license requirement	1955	854
Refrigeration and tank cars; construction of law	1931	251
Refusal to pay	1907	55
Regional home office; credits against premium tax for computing exemptions	1955	134
Registration		
Revocation not warranted because license revoked	1927	251
Tax constitutes first lien on motor vehicles; enforcement	1939	497
Rent collectors	1907	202
Representatives and offices; promotional and franchising duties; liability	1953	280
Restaurants	1931	694
Classification and taxability	1941	228
Definition	1941	666
	1945	609
In park; building permits; liability	1949	468
Located in hotel; liability; exceptions	1945	350
Traveling concessions	1941	667
Using one license for various locations	1949	473
Retail installment sales law, license transfer; licensee or location	1959	521
Revocation		
Authority	1931	414
Regulation	1949	472
Rooming house; definition	1941	666
	1945	609
		610
Rug cleaning business liable	1931	706
Rural electric cooperatives; occupational license tax	1947	442
Sales stables, when to issue	1923	111
Salesmen		
Cemetery lots; license requirement	1959	132
Foreign corporation	1945	359
Nonresident merchants, for; liability	1951	319
Operating in more than one county; liability	1945	783
Salt water products other than seafood; dealer; liability	1939	494

<u>Subject</u>	<u>Year</u>	<u>Page</u>
LICENSES AND LICENSE TAXES (cont.)		
Schedule of license tax; filing by municipalities required	1933	16
Schenley Industries, Inc., wine license, issuance upon certain conditions	1959	72
School buses and school bus drivers See: SCHOOLS		
Seafood dealers See: SEAFOOD DEALERS		
Securities, dealer's license; revocation	1941	678
Separate places of business; construction of law	1929	313
Septic tank cleaners; plumber's license, necessity	1955	940
Sewing machine agents; construction of law	1929	331
Shooting galleries, managers required to pay	1929	346
Shows	1935	16
Circuses; traveling, tent, etc.; exhibition of animals	1943	231
Entertainments; application of law	1933	34
Held under auspices of fraternal organizations; liability	1927	202
Side shows; freaks	1943	234
Shrimp dealers See: SEAFOOD DEALERS		
Sick and funeral benefit insurance companies	1907	155
	1909	45
Undertakers and embalmers; liability	1931	714
Slenderizing salons, operators, registration as masseur as condition to obtain license	1959	174
Slot machines	1935	8
Lawfully used, when	1925	383
Operators; liability	1929	376
South Florida telegraph company, liability	1904	27
Sponges, to take	1917	320
Stadium, municipally owned; leased for entertainment purposes, occupational license tax, requirement	1959	84
State institutions, businesses and equipment on campus grounds; liability	1953	286
State of Georgia; reciprocal agreement; petroleum carrier corporation; exempt from mileage tax	1949	364
State treasurer, when, may revoke license of insurance company, association, agent or broker	1927	211
State welfare fund; selected tag numbers; continuing appropriation repealed	1949	360
Statutes defined	1925	172
		174
Steamship companies required to have license for each boat selling beverages	1933	29
Stevedores; firms, corporations or individuals; granting	1951	452
Stores, portable	1935	3
Sub-agents' bond premium, cost not allowed as expense of county judge's office	1959	232
Surety companies, revocation	1917	294
	1935	14
Swedish massage; requirements	1941	613

<u>Subject</u>	<u>Year</u>	<u>Page</u>
LICENSES AND LICENSE TAXES (cont.)		
Taxicabs		
Central office, cabs operating from, occupational license tax requirements	1959	204
Two or more vehicles used as; occupational license tax charged to said owners	1959	204
Telegraph companies	1907	96
Messenger and parcel delivery service, license requirement	1955	673
Telephone companies	1907	50
		96
	1935	8
Coin operated machines, payment not required	1937	558
Television and distribution system, taxability	1959	553
Television stations		
Liability	1953	277
Promoting and broadcasting local shows for business concern; license requirement	1957	335
Tent houses; classification	1945	610
Theatrical employment agencies, foreign; requirements	1951	570
Tip sheets		
Definition	1945	351
Disabled veteran; certain exemption	1957	923
Tourist camps; authority of hotel commission	1945	610
Towel supply firms required to pay	1929	203
Tractors and trailers, when subject to	1939	485
		491
Trading stamp company		
Coupons, premium stores; occupational license	1951	321
Occupational license	1951	320
Two or more redemption stores in county; license requirement	1957	232
Trailer coach dealers	1947	270
		391
Trailers		
See also: MOTOR VEHICLES		
Ad valorem taxes	1947	388
House; personal property tax	1951	469
Transportation for compensation; return trips; mileage taxes	1955	404
Transfer	1905	36
Trans-Pacific telephone; marriage ceremony illegal	1949	566
Travel vehicle, private; house car	1949	362
Trucks See: MOTOR VEHICLES		
Trusses, sales; nonresident agent	1951	325
Turpentine and rosin distillers, when exempt	1933	98
Two or more businesses, persons engaged in; additional taxes; exemptions	1957	16
Type writer agents	1933	16
Undertakers See: Funeral directors and embalmers, this heading		
United States government property, collection on, not authorized	1929	224
Unpaid fee, collection authorized	1939	335
Used car dealers	1935	23
Auctioneer	1945	491
Variety performances, construction of law	1929	315
Vending machines	1933	18

<u>Subject</u>	<u>Year</u>	<u>Page</u>
LICENSES AND LICENSE TAXES (cont.)		
Vending machines (cont.)		
Cigarettes; coin operated	1949	264
Citrus juice with sugar added; exempt	1949	263
Disabled veterans; exemption	1947	267
Vending insurance policies, license requirements	1959	405
Vendors		
Alcoholic beverages; established church; distance measured shortest routes	1949	486
Ice cream; liability	1937	575
Veterans		
Allied army; exemptions	1949	266
Business operation in two or more municipalities, license exemption; limitation	1959	409
Disabled		
Deceased; unmarried widow; exemption	1949	269
Exemption	1949	264
Amount	1953	288
Barber's registration fees	1945	350
Eligibility	1951	586
Gasoline dealers	1931	575
Korean war	1927	707
Law construed	1927	196
Limitation	1953	278
Proper application	1929	180
Requirements	1951	325
Workmen's compensation	1929	326
World wars I and II	1951	588
Occupational license	1953	274
Delinquent penalties	1953	328
Requirements	1953	486
Salt water fishing license	1949	263
Seafood dealers; not exempt	1953	288
Tip sheet license; certain exemption	1953	278
Exemption	1927	448
Fish, sale	1953	437
Peddler's license	1939	453
Grace period; status with administrative boards	1957	923
Half-year license, extent of credit allowed	1941	227
Insurance qualification tax or fee; not exempt from payment	1931	389
Liability	1905	176
License, without examination; eligibility	1945	600
Malt, etc., sale of; not exempt	1957	289
Motor vehicle licenses, free; limited to World War II amputees	1933	25
Nonresident; beauty culture license without examination, eligibility	1945	600
Organization operating amusement devices; occupational license tax	1951	587
Retired and disabled, tax exemptions	1933	22
Spanish American and world war, not transferable	1951	474
Widows	1951	587
Occupational license; not exempt from payment	1947	272
	1951	328
	1927	457
	1933	101

<u>Subject</u>	<u>Year</u>	<u>Page</u>
LICENSES AND LICENSE TAXES (cont.)		
Veterans (cont.)		
Widows (cont.)		
World war; not exempt	1933	101
World war	1935	10
Veterinarians; qualifications	1951	585
Violations		
Coin-operated machines; county officials without authority to seal	1949	261
Salt water fish regulations, to whom paid	1925	333
Vocational schools, room rent, meals; hotel commission license, exemption	1951	381
Water companies	1921	226
Liability	1929	218
Weapons and firearms, license to carry	1951	722
Western union telegraph company employees not subject to license tax; race track	1951	722
Widows exempt from payment on property valued at \$5,000.00, and less	1933	33
Woodmen of the world not required to pay for use of dance hall	1929	312
World war man lost in service; unmarried widow; exemption	1929	337
Yacht captain not required to pay on automobile	1949	271
Lieb, Thomas J.; board of control, authority to contract with coach for 5 years	1937	556
1941	335	
LIENS		
See also: MORTGAGES; TAXATION		
Bond estreature judgment lien; release	1945	310
False pretenses; prior mortgages	1949	573
Hotel and apartment house owners, ejectment of undesirable guests; liability	1953	55
Intangible personal property tax liens; statute of limitation; cancellation	1953	250
Judgment, recording of, in official record book; lien against real estate	1957	119
Mechanics' liens; motor vehicles; form, filing	1945	485
Motor vehicles	1949	356
Fees		357
Notation and recording		358
Notice of lien; effect of recording after application for title; commissioner, duty	1945	483
Place to be filed	1957	379
Priority	1951	463
Recordation	1949	357
Regulations	1941	383
Sold for storage; title certificates	1941	384
Title certificates	1949	354
Acceptance and notation of liens	1949	357
When considered filed	1953	392
Municipalities	1951	463
Paving; assumed by school board; expenditure unauthorized	1951	366
Tax certificates; limitation	1951	290
Tax deed sales; special benefit assessments; cancellation of liens, etc.	1953	235

Subject	Year	Page
LIENS (cont.)		
Notices, documentary stamp tax	1941	214
Promissory note, secured by express lien in deed; taxability	1953	252
Record, judgments; recording, fee	1951	40
Recordation; title certificates; motor vehicle law	1949	352
Real property		
Judgments; entry required in foreign lien book and judgment lien book	1949	35
Recording of original judgment or decree; effect	1953	51
Satisfaction required; issuance of title certificates; motor vehicles	1949	353
State taxes constitute prior lien	1939	474
Tangible personal property; tax liens	1955	62
Taxes; water conservation area; parcel of land; payment on part	1949	240
Teachers' retirement; federal internal revenue lien; withholding of benefits or withdrawals; controller, duty	1959	173
Title certificates; motor vehicle commissioner; clearing from record	1949	356 357
LIFE CARE CONTRACTS		
Church supported home for aged; law inapplicable	1953	581
Insurance commissioner, duties	1953	590
LIFE ESTATES AND REMAINDERS		
Homestead exemption		
Eligibility	1957	109
Extent	1953	314
Life insurance See: INSURANCE		
Light house service; motor vehicle license law; exemption; eligibility of personnel	1931	928
Lightner museum of hobbies; tax exemption	1947	190
Lightning; Florida state hospital not liable for death of employee	1939	386
LIME AND AVOCADO COMMISSION		
Records of, public inspection	1955	588
Utility tax, assessed by city, county or federal government; payment	1955	588
LIMITATION STATUTES		
Aid to dependent children; support suit; limitation of action	1955	107
Alcoholic beverage license, refund for overpayment	1951	344
Bastardy proceedings, applicability	1951	719
Claim bills; payment of claims allowed, etc.	1955	109
County officers; defaults; statute of limitation in actions against	1953	16
Crime prosecution; indictment or information; warrant	1949	53
Embezzlement or misappropriation charge	1939	562
Holder of deed, begins to run on intangible personal property tax liens; cancellation	1923	279
Lottery prosecutions	1953	250 665
Municipal tax sale certificates; liens	1951	290
Performance bonds, limitation clause; effect	1951	93

Subject	Year	Page
LIMITATION STATUTES (cont.)		
Persons under disability may commence action after being released seven years	1931	860
Physicians, suit against, for negligence; construction of law	1931	791
State warrants; payments under	1957	234
Student loan fund; university of Florida; application	1957	779
Tax sale certificates		
Cancellation	1953	241
Held by state, county, etc., limitation upon enforcement	1953	243
Individually held	1949	243
Two years in certain cases	1931	226
Use taxes, application for refund	1953	304
Limited insurance companies See: INSURANCE		
LIMITED PARTNERSHIPS		
Certificates		
Interest; securities within law; sale	1955	498
Requirements	1945	663
Termination; reinstatement	1949	517
Composition; statutory requirements	1947	528
Corporation as limited partner; legality	1955	631
Dissolution, certificate filed by secretary of state; annual filing fees, payment	1959	67
Filing; requirements	1949	516
Foreign; requirements prior to doing business in state	1957	524
General partner; statutory requirements	1947	528
Re-formation of dissolved partnership; signature of special partners on certificate; requirements	1959	67
Registration; exemption from fictitious name law	1945	735
Solicitation of; application of securities law	1957	753
State requirements, prior to doing business in state	1957	524
Termination status	1949	517
Limited surety companies See: INSURANCE		
LIQUEFIED PETROLEUM GAS		
Dealers		
Appliances; license	1947	260 487
Chain store tax	1947	250
Collection of license fees from	1959	401
Definition; brokers, etc.	1947	486 488
Insurance or bond of licensees	1947	548
Liability insurance required	1949	481
License requirements	1955	461
Tax	1959	51
Municipalities as; regulation	1947	261
Occupational license tax	1947	259
Truck permit; transfer	1947	261
Violation of regulatory law; prosecution	1947	546
Distributors, appliances and equipment; dealer's license	1953	535
Fire marshal, regulations	1945	689
Heating contractor, connects warm air furnace to ducts, etc.; whether installer within LP gas laws	1957	619
Installation of equipment		
Boats in navigable waters; application of regulatory law	1947	489

Subject	Year	Page
LIQUEFIED PETROLEUM GAS (cont.)		
Installation of equipment (cont.)		
Regulations prior July 1, 1947	1951	609
Interstate commerce		
Tank cars; naval reservation; ultimate consumer immaterial	1949	480
Transactions	1947	488
License		
Regulatory; war veterans not exempt	1951	322
Requirements	1949	481
Vendee		
Fee, refund; licensee no longer engaged in business	1957	564
Transfer; fire marshal authority	1957	564
Municipalities		
Engaged in business; operation falls within laws re sale of liquid fuel	1957	259
Installation of equipment through qualified persons	1947	488
Tax on gas used	1957	784
Out-of-state dealers; construction of statutes	1957	328
Plumber, connects gas water heater to water lines; whether installer within LP gas laws	1957	619
State fire marshal; regulations pertaining to	1955	586
Tanks and cylinders owned by dealers, unauthorized disconnection of; fire marshal, powers	1957	756
Taxation	1949	260
Liquidators See: BANKS AND TRUST COMPANIES		
Liquor and beverages See: ALCOHOLIC BEVERAGES AND LIQUORS		
Liquor laws See: ALCOHOLIC BEVERAGES AND LIQUORS		
Lis pendens; recording of; clerk's fee in connection with	1957	651
Little theatre; ad valorem tax, exemption, liability	1955	108
Live bait; commercial sale; gasoline tax refund	1957	35
LIVESTOCK		
See also: ANIMALS AND ANIMAL INDUSTRY; CATTLE		
Application of law	1931	930
Calves; marks, brands and sale; application of law	1931	1030
Cattle dipping		
Fixing cost; reimbursement of owners	1945	645
Liability for expense	1945	643
Feeding by Florida park service, animals privately owned	1945	651
Funds; tax levy, authority; Madison county	1951	297
Hogs running at large, unmarked or unbranded, controlling and destroying	1953	568
Impounded animals, sale of; report by sheriff	1945	123
Impounding officer; employment by county commissioners	1945	245
Killing of diseased livestock	1909	50
Land posted against trespass; legal fences	1945	649
Marks and brands		
Appointment of inspectors	1945	622
Law governing inspection and recording	1945	623

Subject	Year	Page
LIVESTOCK (cont.)		
Quarantine, violations and punishment	1923	194
Rewards for thieves; liability of county	1945	122
Sale stables; license	1923	111
Tick eradication; appropriation; source	1945	468
Livestock board, Florida; meats, cold storage; inspection of imports from points without the United States; authority	1959	5
LIVESTOCK SANITARY BOARD, STATE		
Action in tort; immunity	1947	517
Appropriation	1935	499
Amount	1939	9
Availability	1943	238
Carrying forward second year	1937	456
Arbitration, time allowed	1925	302
Balance to be included in new fund under chapter 19006	1939	7
Bang's disease vaccine		
Appropriation; effective date, amount	1945	648
Date for commencing distribution	1945	648
Cattle		
Diseased; appraisal; no authority to fix minimum and maximum	1919	268
Injured or killed; no authority to pay	1919	267
Cattle dipping		
Arbitration of costs	1927	269
Card record; form	1947	519
Costs and expenses		
Disposition	1947	518
Fixing; reimbursement of owners	1945	645
Liability	1945	643
Payment	1923	198
Course to pursue	1923	196
Certain costs; authority to pay one-half	1931	436
Claim, authority to pay; extermination tick-infested deer	1943	449
Deer license fund, Collier county; restocking	1945	646
Elections, conducted as general elections	1917	389
Employees		
Funeral expenses of deceased employee; payment	1947	521
Salaries, how paid	1925	298
Expenditures authorized	1923	204
Expenses, payment	1923	198
Hog cholera serum and virus		
Appropriation		
Effective date	1943	449
Amount	1945	648
Exhaustion	1945	647
Use of other funds	1947	521
Distribution	1943	450
	1947	519
At cost; authority	1939	398
Date for commencing	1945	648
Purchase and distribution	1939	397
Sale, etc.	1941	705
Vaccination fees	1943	451
Leon, not authorized to commence work in	1923	202
Meat-producing animals; poultry	1943	452
Motor vehicles, not prohibited from purchasing	1933	569

Subject	Year	Page
LIVESTOCK SANITARY BOARD, STATE (cont.)		
Pasture land and fence, not re- quired to buy	1923	199
Powers and duties	1923	194
Quarantines	1921	231
Notice, form	1923	201
Publication	1921	371
Replevin, may bring action	1923	204
Rewards, not authorized to pay	1923	202
Semi-official opinions	1923	194
State not authorized to borrow money from federal government	1933	457
Tick eradication		
Appropriation; source	1945	468
Board authorized to expend total of \$250,000, only	1933	457
Certain funds available	1925	274
		276
Elections, when may be held	1917	388
Time and manner of beginning	1925	275
Vats, authority to pay	1923	203
Widows, may be exempt from ex- penses	1923	200
Lloyds of London; reinsurance; not au- thorized this state; Florida risks	1949	521
LOANS		
See also: SMALL LOANS		
Building and loan associations; pro- hibited; under national housing act	1933	534
Commissioners not authorized to pledge bonds on hand as security; Brevard county	1933	219
Credit unions; exacting fees for in- surance on borrowers	1947	573
From trust fund created by chapter 16114, acts 1933, when au- thorized	1933	421
Interest, payment in advance by board of public instruction	1935	464
Loan company, comptroller au- thorized to refuse license	1929	232
Money lending		
Building and loan association	1911	72
License tax, statute construed	1931	695
Motor vehicle title certificates; assignment; method	1945	484
Salaries of school teachers and bus drivers; payment	1937	172
State not authorized to sponsor	1931	228
Unapproved; liability of bank di- rectors	1945	710
Lobbying; law	1931	939
LOCAL BILLS		
Advertisement required	1927	460
Publication		
Bills affecting municipalities, inapplicable	1931	720
Requirements	1929	177
Local option; elections See: ELECTIONS		
LOCAL OR POPULATION LAWS		
See also: SPECIAL LAWS		
Assessment and collection, legisla- ture not authorized to pass	1939	516
Clerks of circuit court, fees; ef- fect of laws	1955	255
Notice		
Publication	1913	195
	1917	94
Spear fishing equipment; confiscated or forfeited in cases of arrest and conviction	1955	844

Subject	Year	Page
LOCAL OR SPECIAL ACTS		
DeSoto City, town of; city council; conflict between general law and special charter provision; pre- vailing act	1959	363
Referendum elections; requirements	1959	153
Lodges; taxation	1921	291
Lodging establishment; individual units rented on monthly basis; license re- quirement	1955	654
Loggerheads; closed season; taking; regulations	1951	515
LOGS AND LOGGING		
Logmen; public road used by; up- keep and repairs, required	1905	190
Ownership and sale of logs adrift	1945	715
Workmen's compensation, exemp- tion	1935	544
Long Key Sewer District; bond elec- tion; electors, qualification	1955	74
LOTTERIES		
See also: GAMBLING		
Appreciation day scheme, free cou- pons for prizes; whether violative	1951	750
	1953	672
Automobile, free chance; scheme to increase attendance at Tangerine Bowl; violation	1953	669
Bank		
Deposits; motor vehicle award; whether violative	1955	639
Night	1935	802
Promotional scheme; five line limerick; whether violative	1957	427
Baseball games; phone call contest by sponsors during; jackpot award; legality	1957	62
Bingo games		
At home; television game pro- gram; prize awards; legality	1957	810
Community center; free prizes; whether violative	1953	668
Hotels; violations	1951	742
Private clubs, prizes awarded; validity	1955	830
Bread containing cash prizes; ad- vertisement and sale	1941	760
Business scheme, pyramid clubs; legality	1953	670
Census estimate contest; legality	1955	414
China Clipper, restaurant and liquor store; bingo game; vio- lations	1949	579
Club plan and rules constitute	1937	623
Colonial Sugars, promotional scheme, whether violative of lottery law	1959	195
Come-away-with-a-comet sweep- stakes program; whether violative of law re	1959	555
Felony charges; prerequisites; con- viction in municipal court	1955	937
Football contest		
Newspapers; legality	1951	731
	1957	372
Prize award, etc.; whether vio- lative of law	1959	309
Fraternal organization benefit pro- gram, prize awards; legality	1955	479
Free merchandise advertising new grocery store	1949	587
Grocery store		
"Profit sharing bonus" scheme, cash awards; whether viola- tive	1959	670

Subject	Year	Page
LOTTERIES (cont.)		
Grocery store (cont.)		
Promotions; questions relative to United States history; whether violative	1959	624
Indeterminate sentence form; conviction on two or more lottery counts	1957	457
Jigsaw puzzle contest; legality	1955	246
Liquors; wheel numbers; free bottle illegal	1949	581
Merchandise prizes; free tickets, legality	1951	743
Merchants		
Promotional scheme; prize awards; legality	1957	425
Sales	1935	791
Moneys, confiscated by arresting officers in connection with lottery; forfeited to state	1959	368
Motor court scheme; legality	1957	248
Municipal gas department; contests; cash prizes; whether violative	1959	625
National		
Magazine, advertises contest, requires contribution; legality	1955	896
Soap company, sweepstake plan, awarding prizes; legality	1955	376
Pin-ball machines, coin operated; high score, free games; violation	1953	659
Pool rooms; high score prizes; legality	1951	745
Popularity contest, prizes; shoe store, legality	1951	748
Prizes, awards by chance; advertisement; violation	1951	738
Prosecutions; statute of limitations	1953	665
Punchboards		
Employed with sale of merchandise, prohibited	1933	631
Operation of certain types; violation	1953	660
Radio broadcasting; play radio scheme; prize awards; legality	1953	661
Raffles, prize awards; legality	1955	451
Raid, search and seizure; inventory receipts, late delivery; admissible as evidence	1953	711
Schlitz Florida \$500,000 fishing contest; violation	1959	751
Scope of laws; application to veterans' organization	1945	730
Service station		
Premium or saving stamp plan, prize awards, legality	1955	330
Scheme of oil company in promoting the opening of; legality	1957	363
Shooting gallery; money awards; legality	1955	80
Slot machines	1935	737
Store purchases; lucky day prize; violation	1953	666
Suit clubs	1935	810
Sweepstake plans; prize award; legality	1957	927
Theaters		
Bingo game scheme; prize awards; legality	1957	435
Drive-in		
Coupon tickets for free gasoline; legality	1951	740
Free admission, prizes; legality	1951	746

Subject	Year	Page
LOTTERIES (cont.)		
Theaters (cont.)		
Drive-in (cont.)		
Patrons' participation in certain game entitled "Scunk"; legality	1957	640
Signed tickets; weekly prizes; violation	1951	737
Sky line contest, prizes; legality	1951	743
Tickets; prize awards; legality	1953	667
Tickets distributed, registered electors; drawing; legality	1951	180
Trailer park; promotion scheme; prize awards; violative	1957	390
Turkey shoots; legality	1955	451
Zingo, radio promotion program; whether violative of laws	1959	262
Louis Dudley Beaumont trust; release and waiver by board of control	1947	335
Low-twelve club benefit fund; insurance regulatory laws, exemption	1951	644
Loyalty and anti-communist oaths		
See: OATHS		
Lubricating oils; valuation of stock determined for ad valorem tax purpose	1959	180
Lumber See: TIMBER AND LUMBER		
Lumber building supply business; county commissioners; member; partnership; purchases, bids	1949	577
Lunacy commission; compensation for members	1931	869
Lunacy proceedings; insolvent defendants, legal costs and expenses; measure of costs refunded by state to county	1959	537
Lunatics See: INSANE PERSONS		
Lutheran Retirement Center; ad valorem tax exemption; eligibility	1957	720
	1959	48
LYNN HAVEN, CITY OF		
Firemen's relief and pension fund, abolishment by municipal ordinance	1951	271
Freeholder status; municipal electors; qualifications	1949	203

Subject	Year	Page	Subject	Year	Page
MacClenny, town of; municipal audit; payment of cost; petition for audit	1947	171	MANATEE COUNTY (cont.)		
Machine shops See: TAXATION; LICENSES AND LICENSE TAXES			Real estate broker and salesman, county license; residence requirements	1953	289
MACHINERY			Road tax; five mill limitation; city tax share	1949	393
County commissioners			Special election on same date as primary, procedure	1947	74
General county road fund authorized; rent or purchase	1949	179	Submerged lands, application to purchase of	1959	1
No authority to buy without advertising and competitive bids	1949	170	Manatees; permit, issuance for taking more than one; conservation board, authority	1957	707
Everglades fire control district; purchase of tractor on installment	1949	338	MANDAMUS		
Nonresident; used in state; tax liability	1957	156	Ad valorem tax money released when suit dismissed	1933	188
Oil well equipment; tax exemption	1947	192	Alternative writ of; application for; against tax assessor; procedure	1905	30
Madeira Beach, city of; prisoners' transfer; drunk-o-meter test	1949	572	Concurrent suits in two jurisdictions on same coupons	1933	188
Madison, city of; petroleum dealer licensed elsewhere; license taxes, wholesale deliveries	1949	266	On relation of Gillespie and others, Okeechobee county	1933	167
MADISON COUNTY			Payment of interest maturities of bonds authorized if sufficient sum remains on hand to answer all writs	1933	172
Agriculture and livestock fund, tax levy; validity	1951	297	Pensacola Electric Terminal Co.; road beds, requirement	1905	204
Justice of peace			Public works board, abatement of nuisance	1905	204
Fees; per diem	1949	80	Suits against officers of municipality	1933	538
Jurisdiction	1949	68	Manicurist; license	1935	21
		69	Manslaughter; defined	1905	189
		614	Manual labor See: LABOR		
		615	Manufacture of intoxicating liquors in dry counties prohibited See: ALCOHOLIC BEVERAGES AND LIQUORS		
Prosecuting attorney; salary, fees	1949	52	MANUFACTURERS		
Racing funds			Accounts receivable; intangible personal property tax	1949	249
Allocated; replacement	1943	438	Agents, salesmen or employees, soliciting orders outside home county, occupational license tax	1955	317
Use of school board's share for other than school purposes	1945	623	Beverages in dry counties not authorized	1935	311
Teachers' salary fund; investment in school district bonds	1947	327	Definition	1937	271
Madison ginning corporation; dissolution, method	1905	31	Drafts of manufacturing plans to be used outside of state; license tax liability	1953	275
Magazines; out-of-state publisher, soliciting advertisement; occupational license requirement	1955	692	Frozen desserts; selling through own retail stores classified as retailers	1933	10
MALARIA, CONTROL			Fruit juices, subject to license tax	1933	336
Borrowing money in anticipation of taxes; power of district	1947	152	Ice, maintaining retail depots required to pay license	1933	35
Florida board of health; liability for negligent acts of United States public health service	1947	411	Municipalities may levy tax	1931	836
General and special elections same date; procedure	1947	75	Name required		
Malpractice; medical staff; members subject to suit; Florida state hospital	1949	422	Commercial feeds	1937	268
Malt and vinous beverages See: ALCOHOLIC BEVERAGES AND LIQUORS			Tag	1937	270
Malt tonic extract; non-intoxicating; not subject to license tax	1904	79	Paper matches not exempt under \$12, article IX, Florida constitution	1933	89
MANATEE COUNTY			Rayon yarns exempt under \$12, article IX, Florida constitution	1933	89
Board not authorized to make change contemplated (bonds)	1933	176	Seat covers; no law requiring registration number and inspection stamps	1949	470
Closed fishing season in, governed by general law	1933	503	Shirt factory, not exempt from taxation	1937	532
Fees paying agent, payment by board of administration	1941	449			
Health tax fund to be remitted to county commissioners	1937	99			
Mosquito control referendum on same date as general election; procedure	1947	75			
Postwar fund; termination of power to levy tax	1947	140			

Subject	Year	Page
MANUFACTURERS (cont.)		
Steel vessels, tax exemption	1937	532
Tax exemption	1931	1064
	1935	68
MAPS AND PLATS		
See also: SUBDIVISIONS		
Assessment of lands; description in absence of recorded plat	1947	131
Civil engineer; qualifications to make	1949	458
County commissioners; authority to purchase	1949	187
Deed of conveyance recorded with; requirements	1949	211
Land		
Study maps or section maps; subject to public inspection	1957	316
Surveys; recording and filing of all types, requirement	1957	118
Preparation by civil engineer or surveyor	1947	464
Record, when subject to	1925	384
Resubdivision		
Assessment for taxation	1947	193
Subdivision; effect on roads and streets in	1957	373
Revocation	1927	430
Subdivided lands now below normal high tide; taxation	1947	178
Subdivision plats; delinquent tax; filing; clerk's duty	1955	72
Marathon; radio broadcast disc jockey marathon; whether violative of law re prohibition of endurance contests	1957	811
Marble games; legality	1941	762
Marianna army air field; acquisition by state board of education	1947	365
MARION COUNTY		
Board of administration; remittances to paying agent	1933	169
Boundary	1911	70
County commissioners		
Additional compensation	1947	143
		156
Salaries, expenses	1947	142
Sheriff salary in lieu of fees	1947	156
Public recreational park, liability insurance; county commissioners, authority	1957	37
Refunding		
Expenses, payment from special fund	1941	450
Operations, charge of paying bank, payment by board of administration	1941	450
Maritime trainees; commitment to Florida state hospital	1943	361
MARKERS		
Lost or obliterated markers, replacement	1957	312
New sections or 1/4 section corners, establishment; county surveyor or engineer, authority	1957	312
MARKETING		
Commissioner		
Appropriation	1917	305
Traveling expenses of clerk	1917	281
Farm products	1935	784
Marketing bureau		
Appropriation	1919	231
Statute, construction	1937	344
Buyers' platform at Palmetto	1935	513
Commissioner and employees, construction of statute	1937	344

Subject	Year	Page
MARKETING (cont.)		
Marketing bureau (cont.)		
Cost of buildings and equipment; general inspection fund	1933	461
Farmers' market buildings; payment of cost from state building fund	1945	657
Insurance of property; state fire insurance fund	1945	658
Mileage; federal-state employees	1943	457
Operating cost of markets	1935	513
Rental of market stalls	1935	514
Salaries and expenses	1939	13
Seeds, report of sale required	1931	438
Reports; wire service to trucks entering Florida	1949	381
Marketing bureau See: MARKETING		
MARKS AND BRANDS		
Cattle; livestock; Holmes county	1949	482
Inspection		
Jurisdiction; classes of livestock	1945	622
Recording; law governing	1945	623
Inspectors	1933	216
Appointment	1921	58
		67
Duties	1919	66
Ineligible to be constable	1917	434
Removal	1935	211
Recorder, removal	1935	211
Use of rubber stamp instead of steel stamp	1935	801
MARRIAGE		
Bureau of vital statistics, search of files; fees	1947	584
Ceremony		
Justice of peace, authority to perform	1949	566
Ministers, authority to perform	1947	582
	1949	567
Minor as witness, signature; legality	1949	567
Minor thirteen years of age; validity	1945	723
Municipal judge, authority to perform	1953	641
Persons qualified to perform	1931	888
	1947	582
		583
	1949	567
Runaway children not always dependent, delinquent; validity	1949	431
Salvation Army officer; authority	1949	567
		568
Trans-Pacific telephone; validity	1949	566
Unlicensed couple; penalty	1947	580
Witnesses, not required by law	1927	392
Certificate, failure of official performing ceremony to return to county judge; penalty	1947	580
Change of domicile of woman; effect upon homestead exemption rights	1947	279
Clerk of county judge's court		
Ceremony		
Authority to perform	1947	583
Not authorized to perform	1931	567
License, authority to issue	1947	31
Common law marriage		
Change to legal marriage	1943	488
Validity	1947	583
Consent of parents for minors	1935	798
Delinquent married minor; jurisdiction of juvenile court	1945	551

Subject	Year	Page
MARRIAGE (cont.)		
Female nominee for office; form of name on general election ballot	1947	74
Justices of peace; notary public; authority to perform ceremony	1949	62
Licenses	1935	732
Age requirements	1921	350
Applications		
Acknowledgment; naval officer; authorized; restrictions	1949	568
Age of applicants	1945	723
Oath; posting; waiting period	1945	719
Posting	1945	717
Public inspection	1945	717
Certificate of person performing ceremony; form	1947	582
Consent of parent, guardian; minor, German girl	1949	565
County judge, issuance		
Discretion	1943	488
Fees	1931	951
	1939	45
		47
Custody; construction of law	1929	185
Duplicate issued; valid when properly endorsed	1949	55
Expiration date	1947	583
Filipino and white person	1945	722
Minors; consent of parents	1945	718
		723
Second ceremony; sufficiency of original license	1945	717
Serological test as prerequisite	1945	720
Waiting period; computation	1945	719
Witnesses; recording	1945	721
Health certificates; authority of naturopaths	1947	580
Impediment; removal required	1949	568
Issuance		
Clerk of county judge's court		
Authority	1947	31
Limitation	1949	57
Limitation; controlling date	1951	717
Law defined	1925	392
Minors		
County judge, authority to issue	1939	46
Expectant parents	1947	581
	1959	134
Native of Germany; consent of parent-guardian	1949	565
Parents incompetent or divorced; consent	1949	566
Physician's certificate; definition of physician	1947	579
Serological test as prerequisite	1947	583
Time limit not required	1927	378
Unlicensed couple; penalty for performing ceremony	1947	580
Validity; minor thirteen years of age	1945	723
Waiting period	1945	719
Effect of failure to observe	1947	583
Proxy marriage		
Bureau of vital statistics, recording by	1947	420
By mail, validity	1943	489
County judges; license; issuance; validity	1949	566
		568
Trans-Pacific telephone ceremony; legality	1949	565

Subject	Year	Page
MARRIAGE (cont.)		
Record, county judge's fee for search and copy	1937	63
School pupils, school attendance; prohibition, authority	1951	386
Statutory requirements, violation; validity	1947	583
Women tax collectors; official name after marriage	1947	584
MARRIED WOMEN		
See also: ELECTIONS; NEPOTISM		
Bond, not qualified to sign	1923	212
Legal guardian, when may act as	1929	418
Notary public, commission		
After divorce, procedure	1939	406
Legal married name required	1939	405
	1949	163
Property leases; joinder by husband or wife	1943	484
Soldier's wife; registration as elector; residence requirements	1951	107
State normal school; eligibility of married woman for selection for scholarship	1904	42
Teaching, not prohibited under nepotism act	1933	402
MARTIN COUNTY		
Kanner bill, operation under; 1933-34 budget	1933	160
Palm City drainage district; assessments; separate tax roll required	1949	345
Sheriff's salary; account payable from; disposition of net income; date salary begins	1957	600
MASKS		
See also: HOODS; KU KLUX KLAN		
Wearing on streets, municipal ordinance making unlawful	1949	208
Masonic home of Florida; property exempt from taxation	1929	384
	1931	721
MASONIC LODGE		
Tax exemption; building	1931	821
Portion of, used for commercial purposes	1947	188
		197
Massage, Florida board of See: MASSEURS AND MASSEUSES		
Massage registration act See: MASSEURS AND MASSEUSES		
MASSEURS AND MASSEUSES		
Board of massage		
Alien, registration of; apprentice certificate, examination requirements	1949	463
Examinations; residence requirements	1949	463
Inspector's fees	1943	424
License; exemption of public massage school	1947	469
Lists of masseurs and masseuses; duty to furnish	1947	134
Members; traveling expenses	1943	423
Private club massage department, inspection; authority	1953	505
Records; public nature	1947	134
Secretary-treasurer; records, public inspection; copies of records, charges; duties	1951	588
Teachers or instructors of massage, prepare examinations for; fees; legal authority	1955	955
Terms of members, cycle	1955	56

Subject	Year	Page	Subject	Year	Page
MASSEURS AND MASSEUSES (cont.)			McDill air force base; Tampa Garden apartments; leasehold interests, subject to taxation	1949	253 315
Body contouring and slenderizing, practice, by licensed beauticians; exemption	1955	750	McDonnell Aircraft Corporation; securities; outstanding warrants for stock; registration	1949	480
Body massage with mechanical apparatus causing vibrations of the body; engaged in practice	1955	383	MEATS AND MEAT PRODUCTS		
Citizenship; registration, etc.	1943	423	Cold storage; inspection and examination of imports from points without the United States; live-stock board, authority	1959	5
Colonic irrigations not prohibited and not practice of medicine	1949	463 464	Cut of beef defined	1949	505
Establishment; number of operators	1945	598	Florida beef, marking; enforcement of duties with no appropriation	1949	505
Licensed; travel in performing duties of their profession, permissible	1953	507	Mechanics' lien law; contractors, misapplication of funds, punishment, etc.	1959	325
Licenses; revocation, suspension; procedure	1949	464	Mechanics' liens See: LIENS; TAXATION		
Massage registration act	1943	418	Mediation and conciliation service; dispute, notices of; filing according to certain requirements; within meaning of privileged matter	1957	432
Beauticians exempt	1945	598 599	MEDICAL		
Effect	1943	423	Anesthesia; practice by dentist without license issued by medical board, prohibited	1959	13
Exemptions	1945	598 599	Hypnosis, practice; whether violative of the practice of medicine	1955	467
Bona fide citizens	1943	423	Jackson memorial hospital; radiologist, fees from "out patient"; whether violative of practicing medicine law	1955	911
Muscular development and corrective exercises; license of practitioner	1947	262	Practice		
Practice, certificate required	1927	250	Defined	1953	488
Registration			Rights in state; construction of law re	1929	270
Board of health, with	1943	424	Psychology, practice without definition of practice of medicine	1951	574
Fee	1943	424	Scholarship, noncitizen of United States of America; eligibility	1957	53
Qualification for, violation of federal statutes	1953	507	Schools		
Required under law	1927	249	Applicants, residence requirements	1953	335
Slenderizing salon operators, registration as masseur as condition to obtain license	1959	174	Board of medical examiners, participation in cooperative plan for evaluation of graduates of foreign medical schools	1955	297
Swedish massage, license to practice	1941	613	State funds, use; audit; board of control, duty	1953	341
Use of equipment as diathermy, sine wave, ultrasonic and sinesoidal; prohibited	1957	402	University of Miami; students, residence requirements	1953	342
Masters' deeds; documentary stamp tax	1941	213	Staff, Florida state hospital; malpractice; suits	1949	422
Matanzas River bridge; state road department authority to lease	1937	476	Technology		
MATCHES			Fund; unexpended balance, use	1951	590
See also: ELECTIONS			Practitioners; board of basic sciences; licenses; authority	1949	465
Book matches; candidates not allowed to distribute	1949	127	State board of health; medical laboratory proprietors; fees paid	1949	465
MATERIALS			Medical associations; life insurance, wholesale coverage for members of; issuance of certain policy; legality	1957	409
County commissioner's road districts, purchases; splitting invoices	1949	188 385	Medical examiners, state board of See: PHYSICIANS AND SURGEONS		
Excess \$300.00; competitive bids required; construction of sidewalks	1949	171	MEDICINE		
State contracts; differential favor Florida merchants; interstate commerce clause; violation	1949	338	Naturopaths and chiropractors, dispensing prescriptions prohibited	1959	64
Maternal and child care plan; obstetrics; limitation on practice	1943	346	Shows; license tax necessary	1951	316
Matron; county jails; female prisoners; duty of commissioners to provide	1949	39	Transportation by mail	1927	258
Mausoleums; ad valorem taxes against; exemption	1959	614	Unincorporated association practicing medicine; legality of organization	1959	385
Mayors See: MUNICIPALITIES					
McCall, George F.; certified statement of comptroller admissible in suit against delinquent clerk, and sureties on bond	1939	25			

Subject	Year	Page
Meetings; public officers, expenses incurred by attending; payment out of public funds	1959	313
Memorial day; not legal holiday in Florida	1933	558
Memorial library and museum association; contribution of county funds; county commissioners, authority	1957	592
MENTAL HEALTH		
See also: HEALTH		
Council, transfers between items in appropriations, prohibited	1955	760
Legislative interim committee on problems; per diem and travel, allowance	1955	265
Psychiatric social worker scholarships; notes, payment	1955	848
Mental institutions; state operated; superintendent; performance bond; requirement	1957	332
Mercer-Muller Company, A. C. L. R. R. Co.; communications to R. Hudson Burr	1907	40 41
MERCHANDISE		
Peddler's license	1933	36
Vending machines; operation of, does not violate law	1929	341
Merchant marine; state employees; applicability leave of absence statute	1941	104
Merchants See: RETAIL STORES		
Meridian marker; appropriation	1935	419
MERIT SYSTEM		
Classified employees; political activities; election boards and deputies at polls, service on	1955	601
Council; appointments, dual	1941	518 519 520
Disabled veterans, furnishing certain information; authority	1953	382
Employment		
Florida industrial commission; appointments; preference	1949	440
Public records; inspection	1949	165
Qualified residents; priority over nonresidents	1949	155
Veterans' preference; promotional examination	1949	344
Wife of American citizen; entitled	1949	154
Examination, provisional appointment; statutory requirements	1947	119
Exclusion of certain personnel, by rules and regulations	1955	548
Game and fresh water fish commission		
Employees may not join	1949	401
Personnel administration	1955	445
Nonresidents		
Certification, provisional appointment	1947	119
Eligibility for employment	1947	119
Preferment of war veterans	1947	379
Passing grades; residence requirements; rights with respect to promotion	1945	479 557
Proposed amendments to rule; validity	1945	259
Qualified residents; priority; provisional appointments allowed	1949	155
Records		
Furnishing certain for publication; duty re	1959	519

Subject	Year	Page
MERIT SYSTEM (cont.)		
Records (cont.)		
Public inspection	1949	165
State personnel board; appeal from transfer regulation; adoption	1955	643
State road department; administration cost, payment	1955	541
Veterans		
Preference in retention in positions; layoffs, procedure	1959	321
Professional and scientific services, certain position classed as	1955	55
Metaphysical healing; license requirements		
	1941	611
	1945	564
Metropolitan court, Dade county; cases charging violation of state statutes; court without jurisdiction	1959	223
MIAMI, CITY OF		
Bail bonds, estreature; person charged with violation of city ordinance; application of general law re	1959	492
City commissioner elected state representative; resignation required	1949	22
Confiscated weapons, disposition of by police officials	1959	544
Insane persons, maintenance	1941	535
Professional bondsmen, licensing	1953	612
Savings plan; group insurance coverage; "Thriftsurance"	1949	545
Miami, port of; stevedore licenses, granting to firms, corporations or individuals; authority	1951	452
Miami Retreat, Inc.; county commissioners; member as receiver; mental patients; continued pay	1949	577
Miami Springs Villa; alcoholic beverage license, separate banquet hall, additional license, requirement	1955	136
MIDWIVES		
Licenses		
Applicants sponsored by osteopathic physicians	1949	450
Registration, recording, etc.	1941	614
Naturopaths; authority to practice	1943	401
Registration		
Fees, refund	1941	613
Not required	1927	248
Regulation of practice	1945	566
MIGRATORY BIRDS		
Department of interior; game and fresh water fish commission; rules	1949	405
Federal statutes control hunting	1933	496
Migratory labor; transportation of prospective employees to place of employer; liability under workmen's compensation law	1959	739
MILEAGE		
See also: COURTS; FEES AND COMPENSATION; TRAVEL EXPENSES; STATE OFFICERS AND EMPLOYEES		
Criminal procedure act does not prohibit payment to law enforcement officers for testifying before state attorney	1939	89
MILEAGE TAXES		
See also: MOTOR VEHICLES; TAXATION		
Automobile transportation companies liable for	1937	583

<u>Subject</u>	<u>Year</u>	<u>Page</u>
MLEAGE TAXES (cont.)		
Contract carriers; exemption	1931	789
State of Georgia; reciprocal agreement; exemptions	1949	364
MILITARY FORCES		
See also: COUNTY GUARDS; GUARD, FLORIDA STATE; NATIONAL GUARD; VETERANS		
Absentee voting; registration; ballots	1943	138
Active military service; definition	1941	99
		105
Administrative boards; licensee status	1949	156
		450
Alimony payments, suspension	1941	73
Apprentice embalmer not entitled to credit, unless performing service connected with embalming	1939	306
Army and navy posts; no authority to enforce egg law when sales are made on lands under United States jurisdiction	1939	326
Army officers		
License tax on automobiles, not subject to	1929	200
Retired; may qualify as a candidate	1931	935
Army post exchanges; motor vehicles operated licenses	1943	312
Bases; state's jurisdiction; extent	1945	77
Boats of members of armed services operated in state, ad valorem and license requirements	1959	746
Bridge tolls; members' exemption	1955	369
Cigarette tax exemption; post exchange; ship service store	1943	223
Civil and military courts; concurrent jurisdiction	1943	495
Confederate pensions	1943	306
County commissioner; leaves of absence	1949	156
		158
County executive committee; membership vacancy	1949	144
		595
County judge; resigned 1942; ineligible; aggregate number years' service; retirement	1949	192
County prisoners; release for service	1943	510
Defense training, Negro students by white instructors	1941	351
Defense units of state; power of governor to increase, in case of war	1939	545
Dentists, license renewal	1941	638
Dependent and delinquent children		
Allotment from service fathers; control, expenditures	1943	376
Crippled child of service father; custody	1943	375
Disabilities; responsibility	1943	364
Dishonorable discharge; effect upon civil rights	1947	69
Divorce suits; proof by deposition	1943	133
Elections; residence requirements	1943	141
Electors		
Qualifications	1943	144
Registration	1945	164
Right to vote in national elections	1951	98
Registration	1933	350
Power of attorney	1943	145

<u>Subject</u>	<u>Year</u>	<u>Page</u>
MILITARY FORCES (cont.)		
Electors (cont.)		
Reregistration		
Exemption	1945	161
		168
Suwannee county	1943	146
Enlisted men; automobile license tax, exemption	1929	200
	1931	352
Federal military retirement, eligibility for; reduction of benefits	1955	176
Flight pay; national guard officers; basis of payment	1947	360
Florida defense force, jury duty, exemption; pugilistic exhibitions, sponsoring	1941	685
Florida state college for women, war time emergency, male attendance	1941	355
Gasoline tax; exemption	1931	1039
Homestead exemption		
Eligibility	1945	284
	1955	91
Property used for commercial purposes, not allowed (partially overruled by opinion of February 3, 1941, O41-30)	1939	524
Rental as constituting abandonment	1947	620
Service men unable to make application	1941	165
		166
Yearly affidavits	1943	199
Honorable discharge; effect on lost civil rights	1945	167
House trailers, occupancy by members; tax liability	1951	469
Instructional staff in schools, members who are commissioned reserve officers entitled to pay during absence, to attend compulsory training course	1939	215
Leave of absence		
See also: LEAVES OF ABSENCE		
Board of control and institution employees	1949	156
		450
Clerk, circuit court; acting clerk; powers	1943	165
Compensation; computation		
County officers	1943	167
		214
Fee officers	1943	170
State officers	1943	214
County judge; substitute	1943	164
County officers and employees	1941	99
		102
		103
		112
		116
		264
		273
	1943	167
Florida crippled children's commission employees; reemployment	1943	168
Members, instructional staff in schools entitled to pay during, while attending compulsory training course	1939	215
Merchant marine service, not eligible for	1943	168
Municipal employees, salaries during	1953	124

<u>Subject</u>	<u>Year</u>	<u>Page</u>
MILITARY FORCES (cont.)		
Leave of absence (cont.)		
Municipal officers	1943	169
School officials; effect on position	1943	255
State and county officers	1943	170
State and county officers and employees who volunteer for six months training; effect	1959	133
State employees		
See also: STATE EMPLOYEES		
Basic science board members' status when stationed outside Florida	1941	98
Board of conservation	1941	98
Board of control	1941	99
Calculating days in leave of absence for military training	1959	607
Civilian pilot training program, benefit	1941	101
Compensation	1941	105 106
Florida crippled children's commission, salary	1941	108
Florida forest and park service, enlistment prior to statute	1941	106
Florida state hospital	1941	108 109
Motor vehicle commission	1941	110
Plant board	1941	113
Re-employment of draftees at termination of service	1941	112
Salary, payment while in service	1941	103
State treasurer	1941	114
State welfare board, reemployment upon service discharge, salary	1941	114
Statute, scope	1941	115
Vocational education of defense worker	1941	117
State legislative members	1949	156
Teachers; principals; compensation	1943	166 171
Man lost in service; unremarried widow; license exemption	1949	271
Marriage licenses; waiting period	1945	719
Medical officer, examinations	1935	478
Members immigration patrol, when subject to personal tax on automobiles	1931	693
Military drill; nonparticipation of pupils; suspension by county board public instruction	1943	248
Military personnel; armed forces; reserve corps; absentee ballots; eligibility	1949	113
Motor vehicles		
Licenses	1941	388
Exemption	1945	486
Nonresidents	1943	318
	1945	485
	1951	467
Officers and enlisted men, exemption	1931	352
Serviceman, qualified elector; requirement	1951	470
Wife of serviceman employed in state, requirement	1951	467
Nonresidents, registration	1941	396
National elections, right to vote	1951	98

<u>Subject</u>	<u>Year</u>	<u>Page</u>
MILITARY FORCES (cont.)		
National guard officer, retired, authority of governor to call to active duty	1941	351
Naval militia		
Members of, not exempt from poll tax	1933	94
Organization	1935	721
Rent of armories	1917	280
Naval officers		
License tax on automobiles, not subject to	1929	200
Marriage license application; acknowledgment; authority	1949	568
Negro selectees, venereal diseases, refusal to continue treatment, procedure for arrest	1941	525
Nurses; payment of back fees after discharge	1943	408
Officers and enlisted men		
Motor vehicle license tax; exemption	1931	380
Registration of vehicles, legality of ruling	1939	403
Tax exemption, when not subject to	1937	530
Officers' clubs; liquor dispensaries; excise taxes	1941	689
Personnel; absentee registration; requirements; Seminole county	1949	130
Persons drafted or called; home-stead exemptions	1949	227
Pharmacists, registration fee, exemption	1941	637
Poll tax; members exempt from payment	1931	1043
Property lost; custody national guard; payment; general expenses	1949	331
Retirement, federal military service computation for purpose	1955	381
Revelation of information from file of juvenile to representative of armed forces; legality	1959	201
Service-connected disabilities, presumption	1941	797 798
Service in state; credit as residence	1945	757
Serviceman, qualified elector; license tag requirement	1951	470
Soldiers and sailors		
Citation of statute	1935	800
Residence	1935	750
Right to vote	1929	364
State, county and city; officers, employees; leave without pay; national guard duty	1949	331
State courts, jurisdiction over military personnel	1941	352
State guard		
Lost clothing; method of reimbursing federal government	1945	445
Status; discharge date	1945	445
State troops		
Funds and expenses	1907	79
Maintenance	1907	103
Printing for military department	1907	153
Quelling riots, expenses, payment	1907	168
Taxes and assessments, moratorium	1941	173 798
Teachers' retirement		
Contributions	1943	273
Service credit	1949	317 318

<u>Subject</u>	<u>Year</u>	<u>Page</u>
MILITARY FORCES (cont.)		
Tolls; exemptions	1931	924
	1955	369
United States army officer, member on examining board	1911	89
University staff; teachers; retirement	1943	277
Venereal disease; service rejection; enforced treatment	1943	354
		355
Veterans, deceased, educational assistance for children	1941	368
Veterans' guardianship law	1943	306
Voting; registration; absentee ballots	1943	138
MILITARY RESERVATIONS		
Dade county; tax collector; no authority to enter; taxes civilian tenants	1949	231
		246
Housing projects on; school board educational facilities for residents	1949	253
		315
Insurance, solicitation	1941	2
Post exchange, cigarette tax free	1957	31
Recreational facilities, municipal license taxes for operation of; authority	1955	549
Securities, sale within; state regulation; jurisdiction	1953	523
Tangible personal property on; tax exemption	1957	34
		42
Militia See: GUARD, FLORIDA		
STATE; MILITARY FORCES; COUNTY GUARDS; NATIONAL GUARD		
Milk See: INSPECTION LAWS; MILK AND MILK PRODUCTS		
MILK AND MILK PRODUCTS		
Buttermilk		
State where produced, not necessary to show on label	1931	341
Tag must show specific class	1931	344
Commissioner of agriculture, duties; construction of law	1931	342
County health unit, enforcement of municipal ordinances; without authority or jurisdiction	1957	691
Cream		
Imported; dealers required to pay license tax	1937	565
Used in cottage cheese, taxable under milk control act	1937	562
Dairies and milk plants; regulation and inspection	1947	472
Grades; publication by county health officer	1945	605
Ice cream		
All products to be pasteurized before freezing, law requires	1929	251
Chapter 14762 does not apply	1931	903
Ingredients to be pasteurized, certain, not required by law	1929	252
Itinerant makers liable for license tax	1937	574
Ice milk; vendor subject to law	1937	575
Inspectors not authorized to interrupt transportation but authorized to prohibit sale in certain cases	1931	346
Labeling policy; abandonment during emergency	1943	345
Market areas; state milk commission; authority; Key West	1949	467

<u>Subject</u>	<u>Year</u>	<u>Page</u>
MILK AND MILK PRODUCTS (cont.)		
Milk and cream, license tax required of dealers	1931	346
Milk commission		
Act creating, duration	1941	659
Books, records and accounts, audit reports; as public records	1955	432
Jurisdiction	1939	400
Market area, withdrawal of exercise of powers	1951	593
Members of, representing board of health and department of agriculture; additional compensation	1957	645
Price fixing		
Legality	1955	71
Minimum and maximum retail prices of milk; powers	1955	303
Public schools and charitable organizations; prohibited	1953	511
Principal office, location	1941	660
Producers and dealers; milk sold to federal installations in state; tax liability	1955	507
Salaries and bills of old board; authority to pay	1939	400
Sale of milk in large quantities at lower prices; authority	1939	401
Violations; revocation or suspension of license, imposition of fine in lieu of	1955	228
Milk control board		
Appropriation	1935	407
Compensation of employees	1935	594
Cream in cottage cheese taxable under law	1937	562
Dealers in cream, imported, liable for license tax	1937	565
Director, traveling expenses	1935	587
Expenditures, payment by comptroller; authority	1937	353
Licenses		
Producers	1935	586
Stores changing location	1935	586
Milk dealer construed	1935	595
Milk, standards	1935	785
Producers, licenses	1935	586
Salaries and expenses, payment first month	1937	353
Traveling expenses of director	1935	587
Milk law; processors and dealers liable to license under chapter 13696	1929	250
Milk ordinance, municipalities may adopt, by reference	1939	307
Milk products laws, commissioner of agriculture authorized to pay salaries under §20, chapter 14762	1937	277
Milk program, state department of welfare; administration of federal special milk program	1955	832
Mixing of domestic milk with foreign cream unlawful	1929	253
Oleomargarine		
Coloring; manufacture, sale	1943	426
Service in school lunchrooms	1943	429
State college; dining room	1943	426
Pasteurizing, law	1929	251
Reconstructed milk, interpretation of law as to sale of	1929	252
Regulation of production and distribution	1947	473
State board of health, duty of administration and enforcement of regulatory legislation; generally	1959	278

Subject	Year	Page
MILK AND MILK PRODUCTS (cont.)		
Vending machines, exemption from license tax	1959	147
Milk commission See: MILK AND MILK PRODUCTS		
MILLAGE		
See also: TAXATION		
Majority vote not cast when, former millage in effect	1931	612
Reduction		
Freeholders only have power	1931	604
Procedure by school board	1931	600
Special tax school districts	1933	413
Taxpayers, special millage vote; bond issue necessary	1949	315
MINERAL AND PETROLEUM RIGHTS		
See also: GAS AND OIL		
Gas and oil mining leases, undivided interest, sale; registration as securities	1951	607
Interests, sale of; whether within purview of sales of securities	1957	688
Mineral, oil and other sub-surface rights, separate assessments; effect of invalidation	1959	539
Natural clay, not within purview of law	1957	615
Reservation by trustees internal improvement fund	1945	458
Coral rock	1941	357
Exchanged lands	1943	292
Tax deed, effect	1951	434
Sale, release; trustees internal improvement fund	1943	295
School site; deeds; board public instruction, Polk county; reservation	1949	295
Separate taxation of; procedure	1957	534
Tax assessments separate from real estate	1943	206
Taxation	1913	155
Topsoil, muck, peat and humus, not defined as	1953	353
Minerals; royalties, not regarded as intangible personal property	1959	407
Miniature golf course; license tax	1929	379
Minimum foundation program See: SCHOOLS		
MINISTERS		
Marriage ceremony, authority to perform	1949	567
"Communion"	1947	582
Tolls; exemption	1931	906
		924
		955
Ferry	1935	754
Minnesota Mutual Life Insurance Company; St. Petersburg board of realtors; proposed group insurance	1949	540
		543
MINNOWS		
See also: FISH AND FISHING		
Fresh water, license for selling	1935	655
Minor regulatory boards; funds, temporary transfers, authorized	1953	301
Minority political party See: ELECTIONS		
MINORS		
See also: ADOPTION; CIRCUIT COURTS; WELFARE		
Adjudication of delinquency; effect	1947	25
Admission to school; minimum age	1929	360
	1945	404
		406
	1947	315
		316

Subject	Year	Page
MINORS (cont.)		
Adoption		
Child-placing agencies; charges and fees	1955	173
Clerks' records, indexes, docks, etc.	1955	208
Permanent commitment for; circuit court, jurisdiction	1955	89
Procedural changes, effect of new law on pending cases	1955	150
Records, confidential; "take-offs" in abstract work; access to records on order of court	1955	333
State welfare board; proceedings, appeals; duty	1955	642
Afflicted; counties; care	1949	186
Alcoholic beverage establishments		
Delivery or sale of packaged beer or wine, prohibited	1957	455
Employment, prohibited	1939	137
		372
	1941	604
		605
	1943	398
	1949	447
Exception to law	1939	140
		142
Port wine, sale; prosecution procedure	1941	701
Sale to minors, prohibited	1939	136
Arrest; duty of committing magistrate	1947	437
Automobile, right to own	1945	482
Bastardy proceedings		
Jurisdiction of circuit court	1947	584
Limitation, statutes; applicability	1951	719
Service of process	1953	642
Beer; legality of sale	1945	629
Blind children; eligibility for aid	1947	436
Boarding homes; regulation by welfare board	1945	542
Bureau of vital statistics authorized to register children	1937	246
Chauffeur's license; issuance during emergency	1943	318
Child charged with commission of capital offense; juvenile court, waiving of jurisdiction	1957	792
Child convict; transfer to industrial school for boys	1945	549
Child labor law, operation of statute, not affected by marriage	1941	603
Child molester cases; parole commission; jurisdiction	1951	724
Child-placing agency; commitment of illegitimate child of minor mother	1947	438
Children, tuberculin test on; written consent of parents required	1959	415
Cigarettes, sale of; violation	1955	379
Clerk, circuit court, appointment as deputy, disabilities removed; eligibility	1955	234
Clerk, county judge's court; eligibility	1945	130
Colored female delinquents; institutions for detention	1945	760
Commitment to industrial school		
Deficiency in sentence	1945	764
Nonresidents	1945	765
		768
Period of sentence	1945	550
Conviction of crime; institution to which sentenced	1947	613

Subject	Year	Page
MINORS (cont.)		
Coroner's inquest by justice of peace; jurisdiction	1955	628
County commissioners prohibited from contracting with	1927	310
Criminal charge; notice to parent or guardian		
Forfeiture of bail	1945	750
Preliminary hearing, prior to	1947	603
Criminal court jurisdiction; desertion; nonsupport, divorce	1949	584
Criminal violation by minor; committing magistrates; juvenile court jurisdiction	1959	725
Crippled child		
Definition within purview of crippled children's commission law	1947	421 422
Deformed in feet or limb, treatment	1913	161
Crippled children's hospital, school instruction to; sale of alcoholic beverages near, prohibited	1951	619
Custody awarded father; kidnapped by mother, violation	1951	725
Custody, taken into		
Arrest, not termed as	1951	65
Confinement in city jail; order of court	1951	65
Day nurseries and boarding homes; licensing, regulation	1947	438
Defendant withholding support from minor child; support bond, county judge's authority	1951	789
Delinquent		
Adjudication of delinquency; effect	1947	25
Arrests; committing magistrate; powers; disposition of case	1947	437
Commitment by juvenile court	1943	373
Commitment to industrial school		
Nonresidents	1945	765 768
Period of sentence	1945	550
Conviction; institution to which to be sentenced	1947	613
County judge's supervision	1917	436
Deficiency in sentence	1945	764
Dependent, or	1921	407
Driver's license, suspension	1951	74
Florida industrial school for boys		
Commitment delinquent boy without conviction	1949	430
Escapes; theft of auto; authority; county judge	1949	430
Inmates of reform school, board of pardons may parole	1913	171
Jurisdiction in felony; authority of circuit court	1949	432
Juvenile and domestic relations court; jurisdiction; Dade county	1949	432
Juvenile court		
Counselor; restriction; legality	1951	74
Jurisdiction after marriage	1943	376
Orange county; jurisdiction	1947	436
Law violator; adjudication of guilt essential; statutory definition of delinquent	1949	430
Married minors; jurisdiction of juvenile court	1945	551
Probation officers, Orange county; appointment	1945	548

Subject	Year	Page
MINORS (cont.)		
Delinquent (cont.)		
Transfer from prison to industrial school	1945	549
Twelve-year-old runaway; extradition	1955	930
Unknown age; commitment	1943	375
Dependent children		
A. D. C. funds; state welfare board; appropriation	1949	427
Aid		
Born outside of state; eligibility	1951	531
Support suit; limitation of action	1955	107
Allotments from fathers in service; control and expenditure	1943	376
Child placing agency or children's home; commitment	1943	373
Comptroller to issue warrant to guardian	1937	493
Control, expenditure, allotment from service fathers	1943	376
Counties; care duty	1949	186
Crippled child of serviceman; custody	1943	375
Nursing homes; supervision	1945	539
State welfare board		
Aid to unborn child	1949	427
Jurisdiction	1945	540
Use of funds for care	1943	370
Support actions		
Civil actions	1951	532
Court cost, payment	1951	532
Legal aid association	1951	529 530
Prerequisite to state aid	1951	529
Prosecuting attorney, duty	1951	529 530
Prosecuting officer, compensation	1951	532
Support by other than parents; application under chapter 39	1957	656
Deputy clerk of circuit court, appointment, qualifications	1955	222
Deputy sheriff, appointment of minor as; disability of nonage, removal	1959	667
Deputy supervisors of registration serving as; not eligible	1953	76
Driver's license		
Application, parents' signature when minor is married or divorced; requirement	1955	188
Restricted; authority of police officer to take into possession for violation	1955	605
Violation of restrictions	1947	393
Educational programs; preventing crime and juvenile delinquency; sheriff's office expense; payment	1955	685
Employment		
Alcoholic beverage establishments; prohibited	1939	137 372
	1941	604 605
	1943	398
	1949	447
Exception to law	1939	140 142
Board of forestry and parks	1941	601
Breweries	1913	168
Cafeterias; PTA; entitled benefits; workmen's compensation; county board liable	1949	305

Subject	Year	Page
MINORS (cont.)		
Employment (cont.)		
Certain, prohibited	1931	1040
Licensed liquor places; prohibited by statutes	1949	495
Maximum number of working hours per week	1945	562
Milk delivery	1943	396
Oyster shucking and packing	1913	170
Part time, pupils taking vocational courses	1941	337
Under sixteen years of age	1913	169
Exceptional, school for; operation, county tax fund	1951	361
Execution of release would not bar action for injury damages	1939	546
Father charged with nonsupport; extradition	1947	608
Florida state college; consent of parents for admission	1945	430
Hunting and fishing licenses; exemption	1931	430
Nonresident	1951	508
Illegitimate		
Domicile	1945	528
Maintenance and support by mother	1957	605
Nonsupport by father; punishment	1953	675
Release by minor mother to child-placing agency	1947	438
Indigent parents, required to support	1929	393
Insane person under fifteen years of age; disposition	1947	428
Insurance, general lines agent's license, issuance; court decree removing nonage disabilities; eligibility	1959	640
Intoxicating liquors		
Patronizing establishments where sold	1941	700
Sale, prosecution, procedure	1941	701
Juvenile, committed to training school		
Circuit court; authority	1957	850
Transportation	1957	843
Juvenile court		
Counselor; criminal charges against adult with contributing to delinquency to minors; authority	1957	664
Jurisdiction	1931	371
Criminal cases against	1927	361
Felony	1949	432
Orange county	1947	436
Legal guardian	1959	592
Legitimacy	1935	476
Marriage		
After birth of child; support under bastardy act	1951	717
Girl thirteen years of age; validity	1945	723
Licenses		
County judge, authority to issue	1939	46
Expectant parents	1947	581
Issuance	1949	57
Based upon oath they are expectant parents	1959	134
Parental consent	1945	718
Requirements	1945	723
Parental consent	1935	798
Prior to birth of child; support under bastardy act	1951	717

Subject	Year	Page
MINORS (cont.)		
Marriage (cont.)		
Runaway children, validity	1949	431
Marriage ceremony, witness; signature as; legality	1949	567
Married, not qualified to vote	1927	363
Maximum number of working hours per week; hours in school	1945	562
Membership fraternal benefit society; eligibility	1939	126
Miniature pool table, permitted to engage in game played, violation	1957	689
Motor vehicle accident reports; restrictions contemplated in \$39.03(6) not applicable	1957	676
Municipal court; traffic violations; trial	1953	44
Notary public; eligibility		
Married female	1947	134
Married male or female	1949	162
Public office, holding	1933	582
Removal of nonage disabilities	1943	173
	1949	162
Nursing homes; supervision	1945	539
Pin-ball machines; operation; legality	1953	659
Pool rooms		
Municipal ordinance permitting visits	1953	188
Playing pool or visiting, unlawful	1949	580
Revelation of information from file of juvenile to representative of armed forces; legality	1959	201
Runaway children; marriage, validity	1949	431
Schools		
Funds, poor children cannot be fed from	1931	849
Housing projects on military bases; duty of school board	1949	315
Physical examinations; Christian Scientists not exempt	1949	294
Public; excluded from attending	1913	264
Special chauffeurs; drivers' licenses; qualification requirements	1949	370
Support; failure; agreement in connection with divorce; extradition legal	1949	583
Transportation; traffic law for school buses; city enforcement	1949	305
Shooting gallery; permitting matches, etc.; remedy against operator	1955	80
State warrant; endorsement by parent	1945	725
Temporary awarding; juvenile court, jurisdiction; divorce case pending	1951	66
Traffic violations		
Municipal court, trial	1953	44
Offenders; drivers' license revocation, juvenile court, procedure	1955	199
Under fourteen years of age, committed to jail; prohibited	1919	287
Voting		
Age twenty-one after registration period; eligibility to vote	1947	52
Disabilities removed; eligibility to vote	1931	894
Released felons; civil rights not restored; voting rights after becoming of age	1945	162

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
MINORS (cont.)			Money orders; issuance See: BANKS AND TRUST COMPANIES		
Workmen's compensation law; double compensation	1945	554	MONROE COUNTY		
MISAPPROPRIATIONS			Bonds, participation in distribution of gas tax funds	1941	451
Officers and sureties liable for Statute of limitations	1923 1939	130 562	Civil defense, observation tower, expenditure of county funds; authority	1957	327
MISBRANDED			Commissioners; authority; office expense, justices of peace	1949	61
Articles; sale of, unlawful	1925	240	Criminal court of record; solicitor not entitled expenses	1949	76
Drugs; definition, prescription	1945	604 605	Judgment		
Fertilizers and food stuffs; disposition	1913	147	Payment from gas tax funds	1941	452
Food and drugs			Purchase by board of administration with gas tax funds	1941	451
Attachment	1913	136	Juvenile judge; vacancy; county judge authorized to act	1949	60
Net contents of package	1913	127	Probation officer; appointment, compensation	1945	203
MISDEMEANORS			School bond election; freeholder; registration	1949	390
Arrest, constables, beyond jurisdiction; authority	1951	762	Sheriff		
Conviction under federal statute; effect upon civil rights	1945	771	Jurisdiction		
County judge; misdemeanor cases; dismissal after bond estreated; without authority	1957	630	Boats and vessels, authority	1957	261
Drivers' licenses; driving while privilege revoked	1949	533	Fugitive, authority to board ship to apprehend; with or without warrant	1957	261
Gun unlawful; prohibited areas; game and fresh water fish commission	1949	406	Territorial limits of county in and among islands and keys; starting points	1957	261
Justice of peace; jurisdiction	1941	66 67 63	Purchase of motor vehicles from agency owned by; sealed bid requirement	1957	665
Lands sold for taxes, removal of timber or work for turpentine purposes	1927	432	State milk commission; milk areas; supervisor, establishment	1949	467
Persons charged with; fingerprinting	1955	139	Storm warnings by radio broadcast; county funds expended for; prohibited	1953	140
Pleas; absent defendant, acceptance	1951	770	Supervisors of registration; elector's age, correction of registration records	1949	100
Prisoner, escaped, prosecution	1927	120	Teachers' sick leave; number of days	1947	312
Professional bondsman; plea of guilty; legality	1949	601	Monuments and memorials; warrants; issuance by comptroller	1943	298
Prosecution			Moody Bible Institute; taxation; property within state	1949	223
False pretenses; prior mortgages	1949	573	Moore estate; liable for full value where part of assets was paid for by a devisee	1939	462
Hotel commission	1943	428	Morris plan banks See: BANKS AND TRUST COMPANIES		
Sanitary code; violation; penalty provided by statutes	1949	414	MORTGAGE BROKERAGE ACT		
Trial			Deposits, secure broker's fees or commissions, whether within law	1959	287
Absent defendant; disposition of cash bond	1945	739	Extension of mortgage		
Jurisdiction of county judge	1945	132	Additional loan; broker's fee	1959	287
Missouri State Life Insurance Company; reinsurance; Lakeland city employees' association; contracts valid	1949	520	Modifications of payments; broker's service fee; chapter 59-309, effect	1959	261
Modern Woodmen of America; premiums tax, exemption	1951	675	Investor or dealer in mortgages; registration requirements	1959	287
Modified health unit See: HEALTH MONEY			Mortgage broker, sale of mortgages, etc., commission or fee chargeable	1959	287
Collected without suit in certain courts; commingled with public money; legality	1959	447	Real estate broker; purchaser of mortgages; registration requirements	1959	287
Lenders See: LOANS; SMALL LOANS			Refund of deposits, no mortgage loan obtained	1959	287
School board			Solicitors, occupational license tax requirements	1959	428
Borrowing powers, when authorized	1927	459			
Building and equipment costs; authority to borrow	1937	28			
Building of dwellings; without authority to borrow	1937	25			
Insurance and buses, purchase of; authority to borrow	1937	30			
Special audit, expenditure of funds; authorized	1937	33			
Transfer from one fund to another	1927	188			

Subject	Year	Page	Subject	Year	Page
Mortgage extension agreement; taxability	1941	209	MORTGAGES (cont.)		
MORTGAGES			Foreclosure		
See also: INSURANCE; INTERNAL IMPROVEMENT FUND; LIENS; SURETIES			Certificate title, recording and indexing	1953	636
Acknowledged; entitled to record	1949	562	Method of procedure	1931	906
Aged and indigent citizens; county commissioners; construct home	1949	201	Platted land restored to original description	1931	667
		375	Proceeds, handling and distribution	1953	636
Airport authority; promissory notes secured by; construction of mortgage provision	1957	200	Property not exempt may be sold to satisfy deficiency decree	1931	1005
American Bank & Trust Company of St. Petersburg, procedure for cancellation by	1939	18	Service upon insane wife	1931	999
Assessment of, for taxation	1913	149	Guaranteed short term securities under Blue Sky law; application of securities law	1957	382
Assignment of, incorporating evidence of indebtedness, documentary stamp tax	1933	48	Idle funds of building and loan association, purchases with assignable	1933	532
Attestation by clerk; marginal satisfaction held valid	1949	562	Insurance		
Balloon mortgages, construction of law re	1959	499	Anti-coercion clause, application	1953	608
Bonds; inheritance tax, when exempt	1931	936	Coverage; control by mortgagee	1953	440
Brokers					589
Brokerage fees and commissions, collections; excess of legal interest, whether violation of usury statutes	1959	238	Intangible personal property tax		
Solicitors employed by; occupational license tax requirement	1959	449	Classification; real estate outside state	1945	331
Surety bonds; maximum liability requirements; construction of chapter 59-309 re	1959	237	Exemptions; banks, credit associations	1945	290
Building and loan association may accept own stock in payment	1933	530	Long term lease; subordination of fee to mortgage of lease	1955	953
Cancellation, separate book for recording satisfaction	1927	307	Mortgage to United States	1947	243
Clerk's fee, foreclosure sales	1953	20	Record owners taxable notwithstanding subsequent transfer	1941	209
		636	Subject to	1937	541
Crops, recorded in chattel mortgage book	1951	712	Investment by insurance companies in mortgages insured by F. H. A.	1947	535
Debts secured by; subject to tax	1905	38	Lands mortgaged encumbering property in two or more counties; effect upon contiguous and/or non-contiguous lands	1959	97
Deeds assuming, taken subject to existing mortgages; documentary stamp, taxability	1959	378	Leasehold interest; intangible tax	1947	243
Documentary stamp tax	1933	48	Liquor license tax; town, no authority to accept	1949	486
Assignments	1945	337	Monthly installments under contract; tax situs	1953	257
Proceeds from assigned mortgage	1947	230	Mortgage notes See: TAXATION		
Chattel mortgages	1945	339	Mortgagor; full or partial satisfaction of indebtedness; conveyance of mortgaged premises to mortgagee; documentary stamp tax liability	1959	317
Nonresident mortgage	1945	337	Motor vehicles; title; liens; validity determined	1949	356
Note secured by mortgage to re-construction finance corporation	1947	228			357
Documents executed in Georgia; later sent to Florida; documentary stamp tax liability	1957	613	Municipal corporations, loans to; secured by mortgaging of municipal property; legality	1959	534
Encumbered real property, contingent liabilities; sureties; tax situs	1957	213	Municipal notes or bonds secured by municipal mortgages; tax situs	1953	251
False pretenses; prior liens; prosecution	1949	573	Notes, bonus agreements; securities law applicable	1951	603
Federal national mortgage association, securities issued by; exemption	1953	525	Partial assignments; documentary stamp tax	1943	227
Filing and recording; distinction	1941	18	Promissory notes, group of; secured by first mortgages, successive filing; correcting 056-270	1957	91
Florida real estate; New York savings banks; investments; enforcement	1949	512	Railroad tracks, rights of way, stations; lands encumbering two or more counties; effect	1959	97
		558	Real estate		
			Documentary and intangible taxes on notes secured by pledges of; liability	1959	360

Subject	Year	Page
MORTGAGES (cont.)		
Real estate (cont.)		
Nonresident state savings bank's securities corporation as trustee	1949	512
Release to certain property, approval of	1917	300
Revenue certificates; Hendry county hospital authority	1949	282
Satisfactions		
Documentary stamps not required	1931	962
Marginal		
Clerk's seal	1949	562
Notation on records; clerk's fee	1957	428
Recording		
Clerk's fee	1953	635
Collection	1947	26
Witnesses not required	1949	36
Signature and acknowledgment of wife	1935	795
Solicitors, occupational license tax requirements	1959	428
State board of education, mortgaging of state property, prohibited	1955	558
Substituted mortgages to secure same indebtedness; intangible personal property tax; exemption	1959	485
Title certificates; satisfaction of liens; judicial procedure upon default	1949	353
Trust company required to file with state treasurer, definition of	1927	214
Veterans; not acceptable as assets, foreign insurers seeking to qualify in Florida	1949	523
MOSQUITO CONTROL DISTRICTS		
See also: MALARIA, CONTROL		
Assessments for benefits, legality	1955	782
Budget		
County funds; county commissioners, authority	1955	250
Time for adoption	1955	782
County; state board of health, contribution	1951	521
District commissioners, compensation	1955	130
East Volusia county; elections; commissioners; only freeholders qualified to vote	1949	416
Expenses, powers	1935	482
Formation in part of county	1935	772
Funds; chapter 59-23 inapplicable	1959	216
Gasoline used for purposes other than motor vehicle fuel, tax rebate	1957	764
Homesteads; assessments levied against; legality	1949	418
Officers and employees; state and county retirement system; eligibility	1955	666
Officers; term of office	1959	487
Purchases, use of state funds for; state purchasing council, power and duties re	1953	364
Retirement system; employees' status	1955	515
Social security taxes; payment by, legal expenditure	1955	515
State board of health, contributions, trucks, equipment, title transfers	1951	521

Subject	Year	Page
MOSQUITO CONTROL DISTRICTS (cont.)		
Supervisors of registration; compensation for voters' list; Nassau county	1949	101
Trucks and cars; liability insurance	1949	417
Works outside of district boundaries; authorized	1957	877
Motels See: MOTOR COURTS AND MOTELS		
MOTHERS' AID		
Certificate to be furnished to county commissioners	1931	606
County commissioners, duties	1927	257
Mothers; pension for, certain	1919	135
Motion picture studios and plants; tax exemption	1931	1037
	1935	59
MOTION PICTURES		
Exhibitions		
License taxes	1949	267
Vendor of alcoholic beverages by; additional license tax	1947	500
License tax, application of law	1931	1026
Operation on Sunday, unlawful	1931	767
Motor club plan; insurance business, definition	1941	715
MOTOR COURTS AND MOTELS		
See also: TOURIST COURTS		
Alcoholic beverage license; requirements	1951	622
Billboard; operators as joint advertisers; license requirements	1949	462
Boats, rented for public fishing and hunting; license requirements	1955	765
Check-out time, violations; enforcement	1951	597
Guests, registration requirements	1953	514
Homestead exemption, owners residing on the court	1955	113
Licenses		
Revocation or suspension of; legally advertised room rates	1953	517
Suspension for violation of sales tax law; hotel commissioner, authority	1953	298
Room rates, advertisement; investigation by commissioner; without authority	1953	517
Sale of ticket or chance on winning; whether violative of lottery law	1957	248
Space heater installations; enforcement of regulations by commissioner	1953	512
MOTOR FUEL		
See also: GASOLINE		
Average monthly sales for twelve month period, construed	1957	164
Gasoline used for purposes other than motor vehicle fuel, tax rebate	1957	764
Mixtures of motor fuel and lubricants, used in operation of certain engines, taxability	1959	698
Same person as wholesaler and retail dealer, transaction between two operators; construction of law	1957	164
Motor highway carriers mileage tax act		
See: Auto transportation companies under MOTOR VEHICLES		
Motor transportation mileage tax See: Auto transportation companies under MOTOR VEHICLES		

Subject	Year	Page
Motor vehicle commissioner See:		
MOTOR VEHICLES		
MOTOR VEHICLE SALES FINANCE LAW		
Branch stores, license requirements for each store	1957	412
Refund of unearned charges, entitled to	1957	762
MOTOR VEHICLES		
See also: ACCIDENTS; AUTOMOBILE CLUBS; FINANCIAL RESPONSIBILITY LAW		
Abandoned		
Found or unclaimed; disposition	1957	187
Sale by municipalities; title; authority	1951	713
University campus, disposition	1951	712
Wrecked, or disposed of, by garage owner	1955	500
Accidents		
Drunken driving; admissibility of evidence	1955	649
Juveniles; misdemeanors, jurisdiction	1951	487
Notice to proper officers; requirements	1951	461
Privately owned roads for public use; highway patrol duties	1951	481
Propriety of covenant not to sue in lieu of release	1955	83
Reckless driving, charges; law enforcement officers' authority	1951	454
Removal of bodies; highway patrol officers, authority	1953	389
Removal of vehicles prior to investigation	1947	381
Reports		
Inspection, construction	1955	849
Minors; restrictions contemplated by §39.03(6) not applicable	1957	676
Serious bodily injury caused by culpable negligence; punishment	1955	926
Ad valorem tax		
Farm tractors	1945	775
House trailers	1945	775
Imposition	1941	210
Leased tires	1945	334
Not subject to	1931	937
Unconstitutional	1931	674
Agreement constituting insurance; guaranty	1949	525
Aircraft		
Classification	1947	277
Personal property exemptions	1951	492
Distribution of registration fees	1947	396
Ambulance		
Authorized emergency vehicle	1955	349
Blocking highway; violation	1951	454
Appropriation for department	1935	403
Arrests; violation state laws; municipal police officers; authority	1949	350
Asphalt spreaders subject to license tax	1937	548
Auctioneer; used car dealer's license	1945	491
Auto tag agency, right of private individual to so advertise	1935	572
Auto theft refund fund		
Office expenses, payment	1943	311
Transfer	1945	487
Auto transportation companies		
Capital stock tax, exemption	1951	486

Subject	Year	Page
MOTOR VEHICLES (cont.)		
Auto transportation companies (cont.)		
Commercial vehicles; semi-annual registration	1953	401
Liability policy; nonadmitted insurer	1949	373
Mileage tax		
Application to public toll roads and bridges	1953	412
Blue's truck line	1931	309
Comptroller authorized to appoint agents to enforce law	1931	287
Computing and collecting, construction of law as to	1931	248
Motor transportation division may expend necessary funds for proper administration of law	1931	273
Railroad commission proper party to enforce	1931	279
Taxation by municipality	1931	726
Travel bureaus, construction of law	1931	294
Trucks and buses, application of law	1931	292
Refund of advances for mileage traveled	1935	560
Route, tax	1933	69
Subject to taxation on intangible and tangible property	1937	600
Surety bond; nonadmitted insurer authorized issuance	1949	373
Automobile clubs, license fees received from; disposition	1957	260
Automobile dealers		
Branch stores; license requirements	1957	412
Insurance agents; licenses	1943	465
	1943	465
Records, examination by commissioner	1941	377
Automobile fleet plan; insurance rate filing	1949	354
Automobile insurance; definition; agent's license	1945	672
Automobiles purchased for sheriff's office use; method to determine sheriff's interest	1955	747
Auxiliary red lights; legality	1945	482
Beach traffic; regulation	1947	381
Benzedrine, use, while driving under influence; construction of §317.20	1957	815
Board of control		
Chauffeur's license; incidental use, another's auto	1949	369
Liability insurance	1949	327
Students; transportation; negligence; liability	1949	361
Board of health, members, liability for damages in operation of automobile	1941	517
Boat trailers, directional signals; requirements	1957	454
Brake requirements; pole trailers	1947	382
		383
Budget commission not authorized to make rules re purchase	1937	468
Buses		
License		
Tag	1923	114
Tax for private use only	1927	275
Operated for hire, license tax required	1929	284

Subject	Year	Page
MOTOR VEHICLES (cont.)		
Buses (cont.)		
Owned by United States; contract for use by board of control	1947	340
To be equipped with fire extinguishers	1937	618
"C" tags		
Issuance authorized	1937	549
Operation	1937	551
Car pool, transportation provided under pooled fund arrangement; license for hire, requirement	1955	758
Carriers, half year license	1935	565
Certificate of sale, application	1933	567
Certified carriers entitled to obtain motor truck license for six months	1931	896
Chauffeur's license	1921	237
Issuance temporarily to minors	1941	414
Children's commission; authority to purchase	1947	130
Clear title; judicial sale; forfeiture proceedings	1949	355
Clubs		
AAA membership card, acceptance as appearance bond	1951	476
Automobile clubs; arrest bond certificates, form	1951	693
Color similarity to highway patrol vehicles; definition	1945	495
Commercial vehicles, semi-annual registration	1953	401
Commission; list and searches; reasonable charges for services	1957	717
Commissioner		
Abandoned automobile, when required to register	1929	280
Acting commissioner, unlawful disbursements; comptroller and treasurer, duties	1933	614
Aircraft registration fees; mileage refunds	1949	379
Certain authority vested in	1927	347
Certificates of title, issuance; cars sold for storage charges	1927	273 277
County agencies, issuance of certificates on motor vehicles	1927	272
Employees, military leave of absence	1941	110
Fees; transfer of registration	1947	391
Forced sale; title certificate issued; registration	1949	352
Liability of bond	1935	571
License tax		
Passenger buses for private use; construction of §1011, R. G. S. as amended by chapter 10182	1927	275
When counties and cities may collect	1927	274
Motor vehicles operated by warehousemen, classification	1927	271
Nonprofit organizations; Boy Scouts; series X tags	1949	363
Official seal, authority to use	1945	482
Reciprocal agreements		
Authority to waive statutory requirements; maintenance tags	1949	359
Consummation	1941	401
Safety magazine, underwriting cost	1941	377

Subject	Year	Page
MOTOR VEHICLES (cont.)		
Commissioner (cont.)		
Salary	1929	262
Speeding, county officers required to give receipts for money collected as fine	1927	279
Tax exemptions	1927	270
Title certificates		
Issuance; statutory provisions	1949	353
Liens		
Expunged from record; jurisdiction	1949	356 357
Priority	1949	356 357
Satisfaction; fee for recording	1943 1949	312 358
Mortgagee, no authority to issue to, upon default	1949	353
Trailer coach dealers; license	1947	270
Transfer of ownership; operation of law; titles; liens	1949	355
Trust funds for; establishment by budget commission	1951	472
Vehicles for hire, city given special powers to regulate; refund not authorized	1931	382
Concrete mixers, large cranes mounted on motor vehicle chassis; tax situs	1955	895
Conditional sales contract		
Charges for insurance not used for that purpose	1947	532
Guaranty of payment to finance company not insurance	1949	526
Confiscation, when used in violation of prohibition law, does not invalidate lien	1927	381
Conservation agents, search and seizure; authority	1953	425
Convicts required to be licensed if driving	1939	334
County commissioners		
Purchase and operate for own use; authority	1929	314
Sheriff's use; purchase	1947	146
County owned vehicles; liability in tort	1947	384
County prisoner; drunken driving; drivers' license revocation; driving county vehicle	1949	372
County school board; liability insurance on vehicles other than school buses	1947	304
Crimes; reckless driving; new affidavit required to change charge	1949	55
Dealers	1923	107
Certificates of title, when necessary	1927	273
Operation on highways without tag, not authorized	1931	615
Out of state, used cars, effect of law	1937	357
Records	1941	387
Registration in name of; title certificate requirement; sales and use tax statement	1957	407
Retail installment contract; transfer to out-of-state sales finance company; license requirement	1957	540
Series "M" or dealer's tag, use Farm machinery, transporting to shop for repair	1953	398

<u>Subject</u>	<u>Year</u>	<u>Page</u>
MOTOR VEHICLES (cont.)		
Dealers (cont.)		
Series "M" or dealers' tag, use (cont.)		
Personal use by family	1953	398
Vehicles for sale, transporting	1953	398
Within naval reservation, effect of law on	1937	357
Dealers' tags		
Use		
Cars for hire	1937	356
Transporting new motor vehicles; legality	1953	400
Defense council, loan	1941	341
Defense work, liability of owners for damages and accidents	1941	354
Deferred payment contracts owned by foreign corporation; intangible taxation	1947	175
Definition	1919	300
Delivery trucks of common carriers; "for hire" licenses	1947	390
Demonstration; series "M" tags; loaned to customer; no compensation allowed	1949	359
Department of public safety		
Adoption of rules prohibiting change of license and refund of fee, authority	1939	335
Director; authority	1943	317
Department; type of liens to be noted in records	1937	359
Disposition		
Board of health	1941	510
When derelict or wrecked	1927	446
Distinction between private trucks and those regulated by railroad commission	1927	415
Drivers' certificate; taxicab driver; Bartow, city of	1947	371
Drivers, hours of service, trucking industry	1935	797
Drivers' licenses	1921	321
Amendment increasing fee	1945	496
Chauffeurs		
Department public safety; motor vehicle drivers' licenses; qualifications	1949	370
Incidental use of another's vehicle	1949	369
Issuance to minors	1943	318
Necessity for	1939	489
Qualification requirements	1949	370
Requirements; regulations	1955	820
Special license for persons between 18 and 21 may be issued	1939	490
Using another's vehicle	1949	369
Collection of unpaid fee authorized	1939	335
County judges		
Authorized deputies, license issuance by; legality	1955	820
Fees on licenses issued by	1949	368
Fees when issued by department of public safety, not entitled to	1949	368
Issuance to resident of another county, authority	1939	492
County prisoner; drunken driving; revocation; driving county vehicle	1949	372
Delinquent children; suspension	1951	74

<u>Subject</u>	<u>Year</u>	<u>Page</u>
MOTOR VEHICLES (cont.)		
Drivers' licenses (cont.)		
Department public safety; motor vehicle drivers' licenses; statutory requirements	1949	370
Drug inspection division not authorized to make arrests or searches of narcotic addicts under drivers' license law	1939	310
Drunkards; department or convicting judge; authority to restore violator's driving privileges	1959	364
Drunken driving without; two charges	1949	372
Electrically propelled vehicles; license requirement	1955	399
Examiner; false attestation on application for learner's permit; perjury charges	1957	292
Exchange of license and refund fee, adoption of rules prohibiting, authorized	1939	335
Expiration date	1949	372
Federal government employees not required to have to drive government owned vehicles	1939	492
Fees, deposited with state treasurer	1941	409
Financial responsibility act See: FINANCIAL RESPONSIBILITY LAW		
Forest service and civilian conservation corps employees required to pay fee	1939	487
Grove water tank trucks, operator; exemption	1951	484
Habitual violators; point system for evaluation of offenses committed prior to July 1, 1959	1959	336
Illegally purchased during suspension period in another county; prosecution	1957	583
Index of licenses issued not necessary	1939	46
Insurance commissioner, failure to return to	1951	489
Issuance by department of public safety; no fees to county judge	1949	368
Judgment rendered as result of accident; driving and registration privileges, suspension	1957	893
Juvenile courts; power to withhold	1951	74
Juvenile offenders, traffic violations; juvenile court, procedure	1955	199
License fees and county judge's fees	1939	331
Minors		
Applications, parents' signature when minor is married or divorced; requirement	1955	188
Restricted license; authority of police officer to take up for violation	1955	605
Municipal courts		
Appeals; drunken driving; supersedeas, operate as	1955	88
Not under jurisdiction	1939	95
Police; jurisdiction of violations of law	1947	392
Suspension; jurisdiction	1953	185

Subject	Year	Page
MOTOR VEHICLES (cont.)		
Drivers' licenses (cont.)		
Municipal judges		
Revocation; suspension	1949	372
Surrender, in case of mandatory revocation	1953	411
Photostatic copies not authorized	1939	336
Point system; application of law to violations prior to effective date of act	1959	336
Possession required; production in court	1949	369
Renewal of license after failure to pass examination	1947	394
Representatives of foreign countries, when exempt from payment	1939	484
Revocation or suspension		
Driving and registration privileges; §324.121 construed	1957	746
Driving during period of	1949	371
Driving without license; criminal liability	1949	368
Drunken driving	1941	407
Convictions; county judge; authority	1955	101
Effect of appeal	1949	610
Justices of peace, jurisdiction	1949	71
Mandatory revocation	1957	377
Financial responsibility law		
See: FINANCIAL RESPONSIBILITY LAW		
Juveniles; authority	1953	43
Larceny of vehicle	1949	368
Limited and unlimited suspension under §§322.28 and 324.131 construed	1957	565
Period of	1945	498
Reckless driving	1953	410
Restoration	1945	497
Surrender of license and registration; power of certain authorities	1957	508
Three separate charges	1953	410
Unlawful to drive	1949	368
Violations; police officers' authority	1949	370
School bus drivers; restrictions	1941	413
Taxicab driver; city of Bartow; driver's certificate	1949	371
Violation of restrictions; cancellation	1947	393
Drivers may be held liable when driving for state college	1931	411
Driving instructions to adult students, public school teacher; license requirement	1955	612
Drunkards; department or convicting judge; authority to restore violator's driving privileges	1959	364
Drunken driving; prosecution	1943	310
	1945	481
Dump trucks		
Defined; semi-trailers; exemptions	1949	495
Exemption certain regulations; semi-trailer dumps not included	1949	351
Maximum weights	1949	352
Duplicate registration tags	1917	273
Electrically propelled vehicles, license tag requirement	1955	399
Exempt tags; charitable or civic groups	1949	363

Subject	Year	Page
MOTOR VEHICLES (cont.)		
Exemptions		
Automobiles, re chapter 12110	1927	270
House trailer	1949	362
Extra devices mounted; taxation	1949	363
Factory representatives; licenses	1945	353
Farm		
Machinery, transporting; use of series "M" or dealer's demonstration tag	1953	398
Tractors, trailers; registration; license exemptions	1949	365
Federal tax liens, filing of notice	1951	464
Financial responsibility law See: FINANCIAL RESPONSIBILITY LAW		
Fines for speeding, county officers required to give receipts for money collected	1927	279
Firearms, carrying for protection while traveling; whether violative of law	1957	364
Firemen, regular; use of red lights on privately owned vehicles; without authority	1957	293
Fleet plan, insurance rate filing, requirements	1949	354
Florida citrus commission; shipment of gift boxes of citrus fruit	1949	373
Florida tag; taxation; homestead exemption; nonresidents	1949	218
		363
For hire		
Agricultural or horticultural products or supplies, not deemed for hire when transporting	1933	9
City given special power to regulate when operated	1931	382
Classification	1921	141
	1927	271
		347
Containers for certificate of registration must be procured upon registration	1927	311
Contract carriers of United States mail	1935	561
Disabled veterans; occupational license, exemption	1953	288
Leased vehicle	1945	491
		492
License		
Construction of law	1927	166
Defined	1929	281
Trucks transporting citrus fruit not required	1937	548
When tax should be charged	1927	270
License tax		
Pick-up trucks, not required for	1933	66
Refund not authorized	1931	382
Transportation, statutory definition	1937	358
Trucks, classification	1921	163
When liable for license	1927	360
Foreign license plates; registration cards; surrender; title certificate	1949	353
Four-wheel trailers; maintenance tax	1945	490
Fractional license	1913	180
Free chance; scheme to increase attendance to Tangerine Bowl; violation of lottery laws	1953	669
Game and fresh water fish commission; authority to purchase	1951	508
Gasoline tax; substitute fuels	1945	360
Governmental agency not liable for negligent operation; driver may be held liable	1931	411

Subject	Year	Page
MOTOR VEHICLES (cont.)		
Governor authorized suspend punishment for failure to procure tag	1939	497
Guest statute, liability of owner to guest passenger	1957	44
Habitual violators; point system for evaluation of offenses committed prior to July 1, 1959	1959	336
Half-track trucks		
Operation over highways	1947	382
		383
Tires, maximum weight, etc.	1947	382
Headlights, dimming; divided lane highways	1951	457
Highway patrol, authority to stop vehicles to inspect license	1939	332
Hotel commission		
May purchase	1933	449
Not liable for torts in operation	1949	468
House cars		
License classification	1947	387
Private travel; license fees	1949	362
House moving, for hire certificate	1945	499
House trailers	1945	775
Nonresidents; license	1947	387
Sale; title certificate, delivery	1953	394
Hydrocrane, model H-3, self-powered machine, operation upon highways; validity	1955	497
Injury, serious bodily, caused by culpable negligence; punishment	1955	926
Inspectors, when traveling expenses authorized to be paid	1925	196
Insurance on	1925	222
Intangible personal property tax on commercial paper on	1933	51
Joint owners, transfer	1941	382
Justice of peace, acting as conservator of peace or coroner; use of his automobile does not come within definition "authorized emergency vehicle"	1957	235
Kentucky military institute; personnel exempt auto license requirement	1949	358
Leased cars for hire	1921	359
Liability		
Insurance		
Admitted insurer required	1949	373
Anti-mosquito districts	1949	199
		337
		417
Premiums; county traffic officers; private auto	1949	199
Owner or operator	1937	310
State agency for negligent operation	1947	377
License tags	1923	107
		114
Agents, bond requirements	1941	386
Army post exchange operating transportation line	1943	312
Automobile tag agencies, duties in re collection	1931	386
Certain salesmen exempt from requirement	1919	60
Commissioner, duties; issuance for motor truck upon application	1931	384
Construction of law	1931	852
Dealers' tags		
Construction of law	1937	356
Use; transporting new motor vehicles; legality	1953	400

Subject	Year	Page
MOTOR VEHICLES (cont.)		
License tags (cont.)		
Defined	1925	346
Distribution of proceeds	1931	740
Exchange of improper plates	1941	400
Exemptions		
Boy Scouts; civic groups; charitable organizations	1949	363
Governmental agencies	1943	234
Officers and enlisted men in armed forces	1931	352
		380
Federal government; lease to individuals, private corporations	1943	313
		314
Florida tag, when required	1931	807
For hire, when required	1931	385
Free, only active United States officials entitled to	1931	883
Highlands county, handling	1939	488
Illegally purchased while driving privilege suspended in another county; prosecution	1957	583
Minimum of five dollars required for issuance	1937	551
Nonresident		
Definition	1931	386
Employed in state	1943	315
Military personnel	1943	318
Numbers; benefits dependent children; continuing appropriation repealed	1949	360
Office supplies for tax collector, county commissioners not authorized	1949	365
Private use and for hire construed	1925	346
Procuring from county other than county of residence	1931	739
Purchase; board of health; for venereal disease; hospitals	1943	343
Refund of stolen money	1923	99
Revocation	1925	320
Series "M"; loaned or rented vehicle; legality	1949	359
State road department officials and employees; two dollar tag tax; applicability	1931	454
Temporary license for replevied vehicle pending trial	1943	311
To be displayed	1927	378
Towed vehicles	1943	316
Trust fund, establishment; payment	1951	472
Two	1935	562
Yacht captain not required to obtain Florida license for car	1937	556
Licenses	1919	300
Acknowledgments of county officers on	1933	66
Army or navy officers or enlisted men not subject to	1929	200
Army post exchange operating transportation line	1943	312
Based on road weight	1941	401
Buses		
Operated for hire, license tax required	1929	284
Operating beyond urban area	1945	492
Car pool, transportation under pool fund arrangement, license for hire, requirement	1955	758
Counties and municipalities, when authorized to collect	1927	274
Delivery trucks of common carriers; for hire licenses	1947	390

<u>Subject</u>	<u>Year</u>	<u>Page</u>
MOTOR VEHICLES (cont.)		
Licenses (cont.)		
Earth moving vehicles, require- ment	1955	149
Electric trolley buses	1945	488
Electrically propelled vehicles	1955	399
Enforceable without special notice	1917	204
Exemptions	1935	43
Board of public instruction	1931	350
Farm tractors	1945	775
Farm trailers; definition	1945	488
Military personnel	1945	486
Nominal ownership by city	1945	487
Nonresidents; permanent residents	1949	218
		363
Semi-trailers; dump trucks	1949	351
Federal government; lease to in- dividuals, private corpora- tions	1943	313
		314
Fees received from automobile clubs; disposition	1957	260
For hire		
Definition	1941	390
		393
Liability	1927	360
Local freight delivery	1941	390
Municipalities, application of law to	1931	927
Private carriers		
Delivering freight	1941	392
United States mail	1941	393
Warehousemen, when should be required	1927	271
Free, limited to world war II amputee veterans	1951	474
Garage	1909	69
Governmental agencies; license fee exemption	1943	234
Half-track trucks; maintenance tag	1947	383
Highway patrol, authority to stop vehicles to inspect	1939	332
Honorary consuls, exemption	1941	389
House-cars; classification	1947	387
Issuance on tender of proper fee	1941	389
License year, when begins	1915	162
Local buses; territorial limits of operation	1947	388
Maintenance tag; maximum gross weight	1947	390
Manufacturers		
Definition	1941	386
Out-of-state requirements	1951	610
Motor carriers securing half year license when holding cer- tificate of convenience and necessity	1935	565
Municipalities; exemptions	1943	287
Nonresidents	1927	394
	1935	566
Employed in the state	1943	315
Military personnel	1943	318
Registration requirements	1951	466
Requirements; exemption	1953	402
Teacher temporarily em- ployed	1947	391
When required	1937	554
Wife of serviceman employed in state, requirements	1951	467
Officers and enlisted men only exempt from payment	1931	380

<u>Subject</u>	<u>Year</u>	<u>Page</u>
MOTOR VEHICLES (cont.)		
Licenses (cont.)		
Operators, certain, not required from	1925	175
Owned by county, when	1931	554
Passenger buses for private use, construction of law	1927	275
Personnel of Light House Service exempt, if	1931	928
Refunds		
Fund; transfer	1945	487
Not required	1921	144
Portion of fees	1955	320
Registration		
Fee, law requiring, not re- pealed	1915	121
Transfer of, fee	1947	391
Renewal; specially selected number plates	1945	493
Requirements	1927	166
Unemployed nonresident ex- empt from license plates	1949	358
Rules governing issuance	1941	403
School buses	1921	355
Classification	1941	404
Interpretation of law	1927	125
Secondhand dealers		
Office building, use and re- quirements	1951	468
Sale of business; license re- quirements	1953	400
Series "C," classification	1941	395
Series "M" or dealer's demonstra- tion tags, use	1953	398
Service charge for exchange	1941	401
Serviceman		
Qualified elector; require- ment	1951	470
Temporarily stationed in Florida	1941	388
Soldiers, army and navy; mem- bers immigration patrol, when subject to	1931	693
State road department, fifteen per cent of tax to go to support	1915	217
Tax collectors		
Authorized deputies, license plates, issuance by; legality	1955	774
Supplementary compensation following expiration period; payment	1955	821
Temporary; replevied vehicle, pending trial	1943	311
Towed vehicles	1943	316
Trailers	1919	291
	1949	362
Avoidance of ad valorem tax	1947	388
		389
Fractional fee	1947	387
House		
Nonresidents	1947	387
Occupancy by members of the armed forces	1951	469
Land and seagoing; license requirement	1957	93
Trucks	1941	398
Owners subject to, and also subject to fish dealer's li- cense, if	1931	373
Under lease to United States	1941	408
Used by United States, when	1917	271
Veterans, amputee	1951	475
Liens		
Federal tax, filing of notice	1951	464

Subject	Year	Page
MOTOR VEHICLES (cont.)		
Liens (cont.)		
Lien holder acting as auctioneer	1937	358
Mechanic's; filing with commissioner; form	1945	485
Notice		
Documentary stamp tax	1941	214
Effect of recording after application for title made; commissioner, duty	1957	379
Recording	1945	483
Place to be filed	1951	463
Recordation, regulation	1941	383
		384
Recording satisfaction; fee	1943	312
Types, to be noted	1937	359
When considered filed	1951	463
Liquefied petroleum gas dealer's truck permit; transfer	1947	261
List and searches; reasonable service charge	1957	717
Livestock sanitary board not prohibited from purchasing	1933	569
Load capacity on highways	1927	458
Local buses; territorial limits of operation	1947	388
Maintenance tag; maximum weight	1947	390
Manufacturers, out-of-state; license requirements	1951	610
Maximum		
Load on highways; number of axles; weight; maintenance tag	1947	390
Width permitted, seven feet	1933	565
Mechanical and electrical breakdown insurance; legality	1947	537
Midget		
Miniature racing; license tax	1947	268
Racing; license tax	1945	344
Mileage taxes		
Application to public toll roads and bridges	1953	412
Distribution to cities and towns, construction of law	1931	302
Exemptions	1931	789
State of Georgia; reciprocal agreement	1949	364
Transportation companies liable for	1937	583
	1945	482
Minors; right to own		
Moonshine, transporting; confiscation of vehicle	1949	493
Motor vehicle sales financing, documents or instruments subject to tax	1959	77
Motorcycles; definition	1945	490
Municipal judges; drivers' licenses; revocation; suspension	1949	372
Municipal license tax	1921	160
Municipalities		
Confiscation; transporting illegal liquors	1949	493
Traffic control device; violations	1951	460
Municipally owned buses; classification	1945	492
Narcotic drug law, violation; seizure of automobile	1955	16
Negligence of operators in relation to application of financial responsibility law; meaning of "legally parked"	1955	282
Net weight; definition	1937	356
New law in force	1923	129

Subject	Year	Page
MOTOR VEHICLES (cont.)		
Nonresidents		
Dealers		
Surety bonds	1941	396
Tag, use of, allowed	1937	553
Drivers' licenses, revoked; restoration; jurisdiction of parole commission	1941	412
Engaging in occupation in Florida	1945	487
For hire		
Cars	1921	168
License tax	1925	154
Having place of business in Florida	1945	489
License tax	1925	189
	1927	394
Exempt from payment	1927	394
	1937	550
Military personnel	1945	485
Municipal inspections; authority	1951	263
Operation by resident		
License	1929	282
Registration	1941	399
Operation by themselves required under agreement to obtain benefit under law	1939	493
Registration	1941	396
License tax	1925	155
Title certificates; requirement	1953	397
When owner ceases to be	1931	386
Number plates		
Service charge to federal, state, county or municipal governments	1933	68
Vehicles exempt from registration fee, not authorized	1919	162
Operation		
Nonresidents without licenses	1939	333
Prohibition by governor not authorized; suggested procedure	1933	567
Under influence of intoxicating liquors, while	1935	319
Weight of load	1953	385
Operators		
Service of process on secretary of state	1935	775
		776
Valid license produced in court; no conviction	1949	369
Outdoor advertising; license of passenger-carrying vehicles	1947	265
Overloading		
Axle overloaded; tolerance	1949	360
Interpretation of law	1949	360
Ownership by entireties, transfer of title, requirement	1953	396
Pamphlets thrown into, on public highways	1949	350
Personal property		
Subject to levy for taxes	1949	235
When assessable	1931	686
Persons arrested; property damage; sheriffs; responsibility	1949	43
Plant board; purchase	1947	131
Plants manufacturing trailers not exempt from taxation	1937	512
Point system, application of law for evaluation of offenses committed prior to July 1, 1959	1959	336
Pole trailers; brake requirements	1947	382
		383
Poles, written permission to haul, interpretation of law	1937	481

Subject	Year	Page
MOTOR VEHICLES (cont.)		
Police officers; investigate automobile accidents, make arrest for traffic violation committed on private property open for public use; authority	1957	663
Private use rates applicable	1931	960
Privately owned motor truck; United States mail transportation; classification "For Hire"	1949	365
Prohibition law, confiscation when used in violation of, does not invalidate lien	1927	381
Public highways; speed zones; establishment; enforcement; Amelia Island	1949	351
Purchase		
Agency owned by sheriff, from Board of beauty culture	1957	665
Board of conservation	1945	227
	1941	117
		118
Board of health	1941	119
		120
Venereal disease hospitals, for	1943	343
County commissioners for official use	1943	183
Everglades fire control district	1941	121
Game and fresh water fish commission	1941	484
Hotel commission	1941	123
	1945	228
		229
		230
State officers	1929	205
State planning board	1935	577
State racing commission	1935	567
State road department		
Competitive bidding	1949	185
		381
		382
Not prohibited	1933	617
State tuberculosis board	1941	124
Trucks	1945	527
State tuberculosis sanatorium	1941	124
State welfare board	1943	369
Tag safety device	1935	564
Purchasing council, state; competitive bids for purchase; advertisement	1953	367
Radio equipment for sheriff's automobiles; purchase by county commissioners	1947	146
Radios, license	1933	5
Reciprocal agreements		
Consummation	1941	401
Maintenance tags; commissioner; authority to waive statutory requirements	1949	359
Reckless driving	1931	844
Speed laws; motor vehicles on highways	1949	351
Three separate charges; revocation of license	1953	410
Trial jurisdiction	1945	132
Refunds		
Bus licenses	1935	563
For hire tag, not authorized	1931	382
Fund; transfer	1945	487
Half year license	1935	568
Money paid for registration	1923	99
Registered owner; definition	1941	384
Registration		
Cancellation	1919	163
		166

Subject	Year	Page
MOTOR VEHICLES (cont.)		
Registration (cont.)		
Certificate for "For Hire" cars required to be exhibited	1927	311
In name of dealer, title certificate requirement; sales and use tax statement	1957	407
Licensing; refund of portion of license fee	1955	320
Method; abandoned cars; sale pursuant to prohibition laws	1929	280
		283
Nonresidents; when required	1929	282
	1937	554
Office of county tax collector, in; public record	1953	126
Officers and enlisted men in military service, legality of ruling relating to	1939	403
Refunds, if authorized	1923	99
Seven passenger car	1917	282
Tax constitutes first lien; enforcement	1939	497
Transfer; fee of commissioner	1947	391
Trucks and trailers; sworn application	1945	488
Repair shop, license	1933	5
Retail dealers; installment contracts; transfer to out-of-state finance company; license requirement	1957	540
Return of stolen money or motor vehicles to owners; procedure for	1957	822
Road No. 16; highway patrol excluded from jurisdiction within navy reservation	1949	366
Road weight, classification	1941	402
Safety devices		
Purchase by motor vehicle department	1935	564
Trucks hauling split pine stumps	1945	481
Safety law		
Overloading; penalty	1949	360
Weight of loads	1953	385
Safety regulations promulgated by railroad commission applicable to "For Hire," enforcement	1939	333
Sale for storage		
Charges	1931	738
Recorded liens	1949	354
Sales		
Duty of motor vehicle commissioner as to whether or not transaction is taxable	1957	222
Tax, collection of on isolated or occasional sales	1957	448
When brought in by department for registration fees	1935	569
School buses		
Classification	1937	552
Contracts for private operation	1947	289
Liability insurance coverage	1947	319
Loading or unloading double lane highways; stopping	1951	457
Sale; notice, accepting bids, etc.	1947	289
Stop signal; requirement of vehicle to stop for, at entrance of intersection	1957	657
Stopping for	1935	449
Traffic		
Regulations	1941	281
		373
Safety; crossing flagman, employment	1951	397
Use for school activities; definition	1947	319

Subject	Year	Page
MOTOR VEHICLES (cont.)		
Search and seizure		
Beverage department	1941	695
Bolita tickets, search without warrant	1949	586
General	1925	201
Sales tax violation	1951	335
Sheriffs; illegal liquor; without warrant, authority	1949	610
Seatcovers; no law requiring registration of manufacturers	1949	470
Secondhand dealers		
License certificate and plate; transferable or assignable	1953	400
Registration fees; refund	1941	404
Vehicles; office building, use and requirements	1951	468
Service charge		
Federal, state, county or municipal governments for motor vehicle license tags	1933	68
Minimum compensation of tax collector	1945	494
Serviceman, qualified elector; license tag requirement	1951	470
Sheriff not exempt from license tax on	1913	247
Signals, requirements	1955	813
Operation within municipalities	1951	458
Special chauffeur's license; minors	1949	370
Speed		
Law	1931	866
Reckless driving	1949	351
Limit	1931	719
Regulation by governor	1941	374
State road department, authority	1949	350
Zones, establishment	1951	462
State agencies; purchases; budget commission	1949	159
State board of health; action for damages to vehicle of board	1947	411
State department, purchases; law does not prohibit	1929	184
State of Georgia; reciprocal agreement; mileage taxes; petroleum carrier corporation	1949	364
Stock car racing businesses; occupational license tax	1949	271
Stolen cars; delivery to sheriff by highway patrolmen	1945	496
Storage check, warehouseman's receipt	1935	560
Storage, under supervision hotel commissioner	1923	184
Students; compulsory liability insurance	1947	336
Subsistence and mileage limitations on vehicles rented by state road department; application of chapter 16184	1933	618
Supervision		
Railroad commission	1931	763
Regulation	1931	302
Tangible personal property tax; extra equipment devices	1949	363
Tax assessor may purchase for use in performance of duties	1929	374
Tax collector cannot maintain, in adjoining county license agency	1939	77
Taxation		
Ad valorem tax, imposition	1941	210
Appropriation for motor vehicle department	1933	382
Arrests for violations, motor vehicle laws	1933	63

Subject	Year	Page
MOTOR VEHICLES (cont.)		
Taxation (cont.)		
Auto theft fund; limitation of expenditures; disposition balance	1933	565
Auto transportation companies	1935	43
Capital stock tax; exemption	1951	486
Tax distribution to cities	1935	44
Certificate, application for, not required to contain terms of sale	1933	567
City to assess for; authority	1931	724
Commissioner authorized to fix amount of bond of tax collectors in handling license tags	1933	240
Corporation liable for tax only on route over public streets, roads or highways	1933	69
Counties cannot enforce speed law greater than state law	1933	566
County officials taking acknowledgments on application for license	1933	66
Disabled war veterans, exemption	1931	387
Exemptions	1927	270
Extension of time for payment of license tax by governor not authorized	1933	68
Fifteen per cent payment for state road department, valid	1915	258
For hire license tag for pick up trucks not required	1933	66
Foreign company required to pay license, when	1933	67
House trailer; exemption	1949	362
Law	1911	48
License commission; interpretation of law	1933	382
Licenses, representatives of foreign governments	1935	43
Mileage tax; reciprocal agreements	1951	485
Municipalities, by	1931	904
Other property; subject to tax levy	1949	235
Private roads, auto transportation corporation not liable for mileage traveled on	1933	69
Refunds, time limitation for making application for	1955	579
Sales agencies subject to personal property tax on stock on hand January 1	1933	64
Statutes defined	1925	172
Suspension of twenty-five cents penalty on license tax by governor not authorized	1933	67
Trailers; retail dealers; no tax	1949	252
Transportation companies subject to	1937	600
Taxicabs		
Central office, cabs operating from, occupational license tax requirements	1959	204
Drivers; workmen's compensation law	1949	439
Insurance liability, coverage, fleet basis; requirements	1951	659
Regulation of sale; applicability to trucks	1947	392

Subject	Year	Page
MOTOR VEHICLES (cont.)		
Taxicabs (cont.)		
Two or more vehicles used as; occupational license tax charged to said owners	1959	204
Tires		
Statutes defined	1925	172
		174
Tubes, what constitutes dealer	1927	186
Title certificates		
Abandoned vehicles, sale by mu- nicipalities; authority	1951	713
Acceptance and notation of liens	1953	392
Assignment to secure loan; method	1945	484
Automobile, evidence of owner- ship	1931	814
Cars sold for storage, to be issued on	1927	277
Dealers, when to secure	1927	273
Delivery by nonresident vendor upon sale	1941	381
Evidence of ownership	1931	814
Federal tax liens, violation	1951	464
Forced sale; liens, endorsed; recording	1949	352
House trailers, sale; delivery	1953	394
Issuance	1923	114
Abandoned vehicle, purchaser	1943	312
Car sold for storage charges	1927	277
Certain cases	1927	273
County and state agencies, to	1927	272
Mortgagee upon lien default, not authorized	1949	353
Prior to effective date of statutes	1949	353
Requirements	1945	484
Pending replevin action	1941	379
Withholding not authorized	1937	358
Joint owners; transfer	1941	382
Liens		
Federal tax; notation	1951	464
Jurisdiction; clearing from record	1949	356
		357
Notation	1945	483
	1951	464
Notice of; effect of recording after application for title made; commissioner, duty	1957	379
Priority; commissioner; juris- diction	1949	356
		357
Satisfaction; recording fee	1949	358
Nonresidents	1953	397
Ownership		
Entireties; transfer, require- ment	1953	396
Prima facie evidence	1937	355
Resident dealers, descriptive af- fidavits	1941	385
Sworn application	1945	483
Transfers		
Abandoned vehicle, sale by municipalities, authority	1951	713
Dealer to purchaser	1941	380
Mortgagor, by	1941	385
Ownership by entireties; re- quirement	1953	396
Sale; small loan licensee; nominated attorney by borrower	1949	475

Subject	Year	Page
MOTOR VEHICLES (cont.)		
Torts arising from operation; non- liability of county school board	1947	304
Tractors		
Classification and definition	1939	482
License tax, when subject to	1939	485
Liens, recordation	1941	383
Maintenance tag, one unit	1941	395
Taxability	1941	406
Tractors and tractors with trail- ers, when subject to license tax	1939	491
Traffic control device; municipal corporate limits; violations	1951	460
Traffic regulations, construction of law	1931	457
Traffic violations		
Appearance bonds, AAA member- ship card as	1951	476
Arrest by constables; limitation	1951	456
State road department ferries; highway patrol, jurisdiction	1953	408
Trailers		
Assessment, collection of taxes, procedure for	1957	139
Boat trailers, directional signals; requirements	1957	454
Classification and definition	1939	482
Commercial; second hand deal- ers' licenses	1949	364
Dealers; license	1947	270
		391
Fractional license fees	1947	387
Homestead exemption	1951	288
House; nonresident; license	1947	388
Land and seagoing trailers, li- cense requirements	1957	93
Length, application of law, in re	1931	1004
License tax		
In lieu of ad valorem tax	1947	389
When subject to	1939	485
Liens, recordation	1941	383
Maintenance tax, one unit	1941	395
Nonresident license tag; validity	1947	387
Occupancy		
Members of the armed forces, off military bases; license fees	1951	469
While being operated on highways	1947	382
Plants, manufacturing; not ex- empt from taxation	1937	512
Pole; brake requirements	1947	382
		383
Sale; title certificate, delivery	1953	388
Tangible personal property tax, not exempt from	1953	394
Taxability	1937	599
	1941	406
	1949	362
Unlicensed; sale; retail dealers, not subject to taxation	1949	252
Transfer		
Application for; extra fees	1953	395
Joint owners, requirement	1953	396
Registration and title certificates, fees	1935	569
Requirements	1953	396
Transfer of tags	1921	140
Transportation		
Compensation; return trips; mile- age taxes	1955	404
Mileage tax; reciprocal agree- ments	1951	485

Subject	Year	Page
MOTOR VEHICLES (cont.)		
Trucks		
Classification	1923	112
Fifth wheel; definition	1939	482
Constructed for living quarters; license	1947	387
License, certified carriers entitled to obtain for six months	1931	896
License tags		
Construed	1925	346
Duty; commissioner to issue upon application	1931	384
For hire, certain trucks required to have	1927	166
When not liable for tax	1931	905
Mirror to be supplied	1925	81
Night operation, regulations	1941	407
Nonresidents	1921	141
Required to pay license	1925	154
		155
Occupational license tax; Jennings, town of	1949	261
Operator, grove water tank; driver's license	1951	484
Out-of-state registration	1941	397
Private common carriers allowed 16,000 lbs. load weight	1931	960
Private corporation, should not be classed as for hire when used by	1927	162
Private use and for hire construed	1925	346
Registration	1941	398
Speed, regulation by OPA	1941	376
Tax, if municipalities to impose	1925	175
Transporting naval stores not deemed "For Hire"	1937	553
Weight and speed	1935	566
U-drive-its, etc.; regulation of sale; applicability to trucks	1947	392
University of Florida; traffic control on campus; enforcement	1947	339
Used cars, regulation of sale	1935	812
Vehicle damaged in accident; disposition	1947	381
Vehicles parked on highway in violation of law; removal by state and county patrol officers, authority	1957	559
Vehicular traffic, control, upon foreshore of Gulf of Mexico; Sarasota county, sheriff, authority	1955	557
Veterans		
Amputee, license plates, exemption	1951	475
Free license plate; limited to world war II amputee	1951	474
License tax, if exempt from	1927	270
Violations within corporate limits of municipalities	1953	387
Volunteer firemen; flashing red lights on private vehicles, use	1957	351
Warehousemen, classification, when operated by	1927	271
Weapons carried	1927	368
	1935	751
Weight	1953	385
Cities authorized to regulate, while being operated on streets	1931	722

Subject	Year	Page
MOTOR VEHICLES (cont.)		
Weight (cont.)		
Committee, hearing of complaints, legality and authority of	1955	558
Effect on speed limit	1937	481
Gross, law construed	1931	384
Height, and	1935	570
Trucks and loads	1939	415
Width permitted under law	1933	565
Motor vehicle sales financing See: MOTOR VEHICLES		
MOTORBOATS		
Conservation officers, authority in connection with enforcement of motorboat safety law	1959	327
Operation, in adjacent waters, local legislation to control; enforcement	1957	501
Registration for pleasure boats by certain agencies; power and authority as to issuance of certificates	1959	277
Movies See: MOTION PICTURES; THEATRES		
Muck; metals or minerals, not defined as	1953	353
MULLET		
See also: SALT WATER FISHERIES		
Closed season		
Applicability to fish caught in another state	1947	408
Bait only; rules and regulations	1949	409
Board of conservation to open; authority	1945	512
Seizure; disposition of proceeds	1943	337
	1945	517
Special permission to catch during; not authorized	1937	282
Legal length	1937	283
Possession		
Certain cases, legality	1927	283
Sale; construction of law	1937	282
Seining of fresh waters; without authority to permit	1929	276
Taking and transporting under chapters 17933 and 17934, 1937	1937	282
MULTIGRAPHING OFFICE		
See also: PRINTING		
Job printer's license tax, exempt from	1933	6
Multiple dwelling; homestead exemption, application; eligibility	1957	780
MUNICIPAL		
Bonds See: BONDS, MUNICIPAL		
Courts See: MUNICIPALITIES		
Elections See: ELECTIONS		
Gas department; contests, cash awards; whether violative	1959	625
Hospital boards; political subdivision of state; for OASI purposes	1957	438
MUNICIPALITIES		
Abandoned cars; seizure and sale of; ordinance; issuance of certificate of title to purchasers	1943	312
Abolishment of procedure; protection of creditors	1949	203
Advertising, donations to civic organizations	1949	207
Airports		
Establishment, equipment; competitive bids, etc.	1953	415
Lease of gasoline concession on gallonage basis	1947	273

Subject	Year	Page
MUNICIPALITIES (cont.)		
Airports (cont.)		
Regulations, enforcement	1945	500
Alcoholic beverages and liquors		
See also: ALCOHOLIC BEVERAGES AND LIQUORS		
Alcoholic beverage establishment		
Fingerprinting owners and employees; ordinance requiring; powers	1959	119
Hours for sale of; power of state officers to enforce city ordinance	1959	165
Beer		
Taverns or beer parlors near school or church; sales	1951	628
Zoning; powers	1951	628
Curb service; legality	1947	509
Curfew; enforcement	1947	498
Illegal liquor; transportation; automobiles, vehicles; confiscation	1949	493
Licenses		
Hotels and restaurants; limitation quota	1951	620
Number issuable	1947	493
Payment before issuance; no authority to accept notes or mortgages	1949	486
Transfers	1947	509
Fees		
Authority	1951	626
Ordinance charging	1953	555
Location and places where liquors are sold; construction of laws	1939	167
Regulations	1935	312
Sales		
Cities in dry counties	1947	622
Election day; prohibited	1951	202
Moving location	1947	496
Near church or school	1945	630
Regulation	1953	560
Hours	1939	136
	1945	637
Saloons; closing on election day	1945	183
Sunday sales	1949	497
Vendors		
Lessening statutory distance from school	1945	409
Zoning area; club licenses	1949	492
Wine and beer		
Legal hours of sale	1945	628
Power to license distributors	1945	627
Sale of wine, prohibiting, cities in wet counties	1945	626
Zoning		
Certain area, so as to prohibit sales, authority	1955	655
Powers	1947	509
American Red Cross; utility tax; exemption	1957	125
Anna Maria island; fire control district; creation; establishment	1949	212
Annexation of territory		
Application of law	1931	919
Bonded debt and maintenance tax; homestead exemptions, liability	1953	312
Appeal board, failure to appoint as affecting zoning ordinances	1959	202
Armory site, donation of land to state armory board; authority to convey	1955	575

Subject	Year	Page
MUNICIPALITIES (cont.)		
Assessment, county, municipality consolidation	1949	276
Attorneys		
Appointment as state attorney, legal	1949	35
Ballots, disposition by city left to governing authority	1931	720
Audit of financial affairs		
Governor authorized to direct	1933	536
State auditor authorized to audit books, when	1929	175
State comptroller; payment of expense	1947	171
Auto transportation company mileage tax		
Construction of statute	1931	302
Distribution	1935	44
Auxiliary firemen, etc.; liability for injury	1943	287
Bail bond		
Estreature; posted by persons charged violating municipal ordinance; application of general laws	1959	492
Prosecution for forfeiture	1945	728
Bartow; taxi driver's certificate	1949	371
Boats, power to tax; city of Apalachicola	1955	839
Bond elections; freeholder elector, defined	1953	96
Bonds		
Bushnell, opinion	1921	194
Clerk circuit court entitled to compensation for signing	1927	445
DeFuniak Springs, approval	1921	175
Interest coupons, delinquent; rate of interest	1951	709
Issuance for waterworks system; validity	1905	51
Perry, approval	1921	185
Tallahassee, approval	1921	170
Breakwater jetty, construction upon sovereignty water bottoms; permit requirements of trustees	1957	641
Broward county; tax assessor; municipal assessment; constitutional provision	1949	229
Building code; effect upon public school construction	1947	321
Building permit fees; liability of state agency	1945	436
Building restrictions and regulations, immunity of certain districts from	1959	153
Bulkhead lines		
Adoption or changes; authority	1959	264
Fixed by; acceptance by county commissioners, mandatory	1957	752
Fixing and setting of; preservation of records and proceedings	1959	293
Requirements; fills outside city limits; permit requirements of trustees	1957	641
Buses owned by; license classification	1945	492
Car pool, transportation under pool fund arrangement, license for hire, requirement	1955	758
Cattle, impounding; authority of certain cities	1905	210
Chain stores, may impose 25% of state tax on	1931	722
Charter		
Amendments, or, publication prior election, notice	1955	315

Subject	Year	Page
MUNICIPALITIES (cont.)		
Charter (cont.)		
Election to surrender	1913	251
Churches, utility tax; exemption	1955	73
Cigarette tax		
See also: TAXATION		
Assessment; consolidation with county millage	1949	276
Distribution to municipality through error, procedure for recovering	1957	831
Health hazard, use of fund to eliminate	1953	296
Revenue benefits; debt service reduction required; Vero Beach	1949	275 276
Cigarettes, sales to minor; licensing of cigarette machines by municipalities; liability	1955	379
City commissioners, eligibility to hold liquor license	1959	664
Clerks; automobiles, authority of city to assess for taxation	1931	724
Commission		
Act of legislature, not authorized to repeal any	1931	377
Affirmative vote; quorum required; ordinances; resolutions; New Smyrna Beach	1949	206
Member elected to house of representatives; resignation required, city of Miami	1949	22
Vacancy; method of filling	1945	263
Community forest law, acquisition of land	1941	708
Consolidation		
Back assessments, resulting municipality entitled to	1951	266
Delinquent taxes; collection; duty transferred to resulting	1951	266
Constables		
Arrest; jurisdiction	1949	599
As officer; eligibility	1949	66
Mayor of Hallandale, Florida; eligible to serve	1949	67
Contracts, performance bonds; limitation clause, effect	1951	93
Convicted felons; registration under municipal ordinance	1957	267
Convicts	1935	700
Corporate limits		
Extension		
Contraction	1943	193
State oil and gas leases; effect	1957	896
Corporation		
Dissolution of; corporate property and assets, disposition of	1957	96
Establishment	1907	177
Council		
Electric current, tax due on gross amount	1931	728
Vacancies, how filled	1927	439
Council members		
Candidate for county commissioner; eligibility	1951	258
Holding more than one office	1935	818
Supplies, member prohibited from purchasing from himself	1931	593
Counties		
Authorities, city not liable for injuries inflicted on county prisoners by	1933	536

Subject	Year	Page
MUNICIPALITIES (cont.)		
Counties (cont.)		
Funds, use		
Construction of and maintaining roads in	1949	393
Municipal purposes	1917	86
Health units		
Municipal ordinances, enforcement of; without authority or jurisdiction	1957	691
Reimbursement	1945	258
Jail; use	1943	175
Officer, holding office of mayor simultaneously; legality	1957	126
Tax certificates; apportionment of proceeds from sale	1947	207
Traffic officers; powers and duties; within corporate limits	1953	171
Zoning; distances of churches and schools from liquor sales	1949	492
Dairies and milk plants; jurisdiction	1947	472
Defendant, discharged by county judge; violation of city ordinance, arrest	1905	144
District bond issue; method of initiating; cities within district	1949	314
Donations to civic organizations for advertising	1949	207
Driver's license law violation; jurisdiction of police and courts	1947	392
Drivers of federal vehicles, arrest; police officer, authority	1953	686
Drunk-o-meter tests; municipal arrests; transfer of prisoners	1949	572
Educational purposes, not authorized to spend any moneys for	1927	302
Elections		
Amendatory statutes	1935	697
Calling; zoning of certain areas; authority	1951	628
Candidate's qualification; residence	1949	205
Districts; boundaries	1949	85 86 87
Freeholders; qualifications	1949	203
Laws controlling residence	1941	82
Military personnel, exemption of, from re-registration	1945	164
Pinellas county; permanent registration; books closed thirty days	1949	84
Political activities, officers and employees	1949	119
Poll taxes, payment of	1931	621
St. Petersburg, registration; books close thirty days before	1949	149
Signature identification slips, inspection by county solicitor	1951	182
State special primary; polling places; use of same room	1951	181
Write-in voting, preparation for; voting machines	1949	108
Elective officers; retirement system, in relation to, definition; social security law	1955	46
Employees		
Federal withholding tax; subject to	1949	19
Group health and accident insurance, eligibility; statutory provision	1949	543 554 555

Subject	Year	Page
MUNICIPALITIES (cont.)		
Employees (cont.)		
Labor unions	1943	391
Constitutional right to strike; membership prohibited	1959	241
Military leave of absence; compensation; national guard duty	1949	331
Retirement system, termination	1951	702
Salaries during military leaves of absence	1953	124
Exchange agent; dealer in securities; refunding bonds; commissions	1949	478
Expansion of limits; procedure	1947	173
Financial department		
Comptroller not authorized to require reports of	1933	537
Governor authorized to direct audit of	1931	765
	1933	536
Fingerprinting owner and employees of alcoholic beverage establishments, powers	1959	119
Fire and tornado insurance companies; excise tax	1947	247
Fire department, chief; enforcement of fire prevention code; authority	1959	392
Fire insurance		
Expenditure for recreational center	1953	147
Underwriting without special charter not authorized	1929	405
Fire prevention code, effect upon municipalities	1959	392
Firemen; same rank; pay rates	1959	362
Firemen's relief and pension fund		
Abolishment by municipal ordinance	1951	271
Board of trustees; membership, qualification	1955	861
Claims, amount; prorating, limitation	1951	268
Death of fireman from injuries received in line of duty; benefits allowed from fund	1959	573
Disposition of fund upon discontinuance of retirement system	1953	189
Dissolution, procedure; disposition of remaining funds	1955	861
Employment terminated, re-funds	1951	267
Entitled to participate	1939	548
Exchange under reciprocal insurance law, subject to tax which may be deducted from state tax	1939	130
Gross premium receipts tax, exempt from; refunds	1951	268
Insurance; domestic insurers; liabilities	1949	210
Insurance premium tax, computation	1953	191
Maximum benefits; volunteer firemen; funeral expenses	1949	210
Non-disability retirement for volunteer firemen, authority of trustees	1959	301
Participation	1939	548
Part-time employees; Apalachicola, city of	1949	210
Proration; method	1959	533
Repeal of ordinance creating, effect	1939	549
Retirement, eligibility under certain conditions	1955	215

Subject	Year	Page
MUNICIPALITIES (cont.)		
Firemen's relief and pension fund (cont.)		
Social security law, as amended; relation to	1953	202
Use	1951	272
Volunteer fireman; retirement on pension; board of trustees, discretionary powers	1957	612
Warrants, proceeds, to go to general revenue fund	1939	549
Florida grower-seller; zoning, highway and license regulations	1949	269
Florida league of municipalities, employees; social security coverage	1955	156
Franchise, method of surrendering	1931	798
Fuel tax, exemption from payment	1939	518
Funds		
Power of banks to secure, by pledge of assets	1933	302
Protection of, in state banks	1931	772
Futch act; application to city-owned property	1945	274
Gasoline dealers, display of prices; violations; prosecution in municipal courts; jurisdiction	1957	423
Gasoline tanks leased, tax required	1929	233
Government; establishment of	1907	177
Health hazard, use of cigarette tax fund to eliminate	1953	296
Highway patrolmen; leave of absence, granting; traffic surveys, aid in	1951	483
Homestead exemptions	1943	199
	1951	261
	1935	72
Amount of property		
Area incorporated into municipality; reduction; eligibility	1957	5
Claims for; in city of Bradenton	1953	220
Contiguous vacant lots as part of homestead	1955	335
Property outside municipalities	1935	74
Reduction of area	1943	240
Homesteads		
Extent of property	1935	787
Inclusion in extended limits		
Effect upon area of	1945	264
Liability for bond taxes	1945	777
Liability for special assessments	1945	286
Hotels, operation; municipal zoning ordinance, conflict with; prohibited	1951	594
Housing authorities; redevelopment projects; operation areas	1951	538
Housing projects		
Building and license fees; state hotel commission jurisdiction	1949	474
Council for blind, effect of leases to; ad valorem tax, liability	1955	697
Indebtedness, charter and ordinances control	1923	182
Indigent prisoner, hospitalization and medical care, extent of city responsibilities	1959	219
Insane persons		
Maintenance of, city of Miami	1941	535
Restoration	1935	763
Insurance and annuity fund	1945	266
Insurance companies		
Doing business by mail; license tax	1947	258
Domestic insurers; tax authorized	1949	210
Licensed by state; additional taxes imposed by	1904	47

Subject	Year	Page
MUNICIPALITIES (cont.)		
Insurance companies (cont.)		
Occupational license tax		
Agents, solicitors, etc., legality	1959	388
Payment	1955	933
Insurance; retaliatory tax; computed pursuant to §626.061, F. S.	1957	785
Itinerant photographers, occupational license, validity	1951	259
Itinerant rentals; excise tax levy; Jacksonville Beach	1953	178
Judgment against; does not create lien on property of, until levy of execution	1933	539
Justice of peace to hold office of mayor; permitted	1957	126
Juvenile law breakers, apprehension, custody, etc., within school area; school officials' authority re	1959	358
Land removed from city; taxation for bond debt	1949	289
Lands owned by, tax situs	1959	88
Leasing prisoners to counties; authority	1949	626
Legislature; power to establish and abolish	1949	203
Library, establishing and maintaining; election; number of electors required	1957	858
Licenses		
Barbers	1931	799
City authority	1909	83
Collection	1931	727
Disabled veterans; exemption	1945	350
Fees		
From holders of rented stalls in state farmers' markets	1935	514
Hotels and restaurants	1935	493
For hire	1931	927
Grower, retail, of own produce	1943	233
Intoxicating liquors	1941	692
Motor vehicles, exemption, nominal ownership	1945	487
Occupational; exempt on disabled veterans, limitation	1951	326
Outdoor advertising; motor vehicles operating within corporate limits	1947	265
Petroleum dealer; Madison, city of	1949	266
Real estate broker; limitation	1951	258
Restriction upon municipalities to impose; §1268, R. G. S.	1927	288
Seafood dealers	1941	501
Tags; exemptions	1943	287
Licns, paving; assumed by school board; expenditure not authorized	1951	366
Liquefied petroleum gas		
Equipment		
Dealer, municipality as; regulation	1947	261
Installation through qualified persons	1947	488
Operation of business falls within laws re sale of liquid fuel	1957	259
Used by city; tax situs	1957	784
Loans to, by state banks; secured by mortgaging municipal property; legality	1959	534
Local		
Bills, publication, does not affect	1931	720
Buses; territorial limits of operation	1947	388

Subject	Year	Page
MUNICIPALITIES (cont.)		
Local (cont.)		
Census; plumbers' code; applicability	1953	207
Local or special laws changing general laws	1949	109
Machine guns, purchase; authority	1919	131
Maintenance state road when serving as city street cigarette tax funds	1949	278
Mandamus suits against officers, not required to post bond	1933	538
Mayors		
Charter power	1931	730
Constable; eligible to serve as; Hallandale	1949	67
County officer holding office as, simultaneously	1957	126
Justice of peace may hold office as	1957	126
Liquor license, eligibility to hold	1959	664
Oath of office, notary public, qualified to administer	1949	204
Search warrants; issuance, authority	1927	440
	1931	838
Money borrowed on anticipated collection of taxes; authority	1931	764
Motor vehicles		
Abandoned, sale; title; authority	1951	713
Nonresidents; inspection; authority	1951	263
Traffic control device; violations	1951	460
Violation within corporate limits	1953	387
Municipal corporation		
Authority granted to abolish tax collector	1931	679
Proceedings to surrender franchise	1931	742
Right to use portion sinking fund to pay interest coupons	1931	737
Municipal courts		
Bail bond, estreature; penalty	1953	658
Circuit court, appeals to		
Drunken driving; supersedeas, operate as	1955	88
State attorney, inactive	1953	17
Transmission of records	1955	503
Conviction; appeals	1951	781
Drivers' licenses	1949	372
		610
Florida law not under jurisdiction	1939	95
Suspension; jurisdiction	1953	185
Drunken drivers, driving license suspension, authority	1953	185
Judges		
Driver's license revocation; forfeiture of bail or collateral	1953	411
Jurisdiction as committing magistrate	1945	738
Law partner as city attorney	1949	449
Marriage ceremony, performing; authorized	1953	641
Search warrants, authority to issue	1943	501
Sentence, inherent power to withhold imposition	1955	533
Witness under subpoena, granting of immunity; without authority	1953	176

Subject	Year	Page	Subject	Year	Page
MUNICIPALITIES (cont.)			MUNICIPALITIES (cont.)		
Municipal courts (cont.)			Ordinances (cont.)		
Justice of peace; power to furnish bail	1949	603	Fine of \$500.00 within law	1931	753
Lottery, prerequisites for felony charge; conviction in municipal court	1955	937	Governor no authority to suspend	1917	203
Prisoners; detention in county jail	1949	209	Liquor licenses, transfer fee; authority	1953	555
Process; service by sheriff	1947	172	Orders, soliciting upon private premises; punishable offense; enactment unconstitutional	1951	262
Supersedeas bond premium in appeal to circuit court as costs; payment by city	1957	488	Passage; affirmative vote; quorum required	1949	206
Unsworn citation furnished by accused, jurisdiction	1959	397	Pool rooms, permitting minors to visit; without authority	1953	188
Warrants, service in foreign counties; authority	1951	265	Wearing masks and burning crosses	1949	208
Municipal credit, pledging; prohibited	1959	414	Zoning		
Municipal office, when person eligible to hold	1931	584	Appeal board; failure to appoint; effect	1959	202
Municipally owned property, failure to sell land for taxes and issue certificates; taxability	1959	178	Power to pass; location, liquor vendor	1949	496
Murphy act lands			Prohibition sale of alcoholic beverages in certain area; effect on licensed vendors; authority	1955	655
Exemption from taxation	1945	270	Parking meters; state highways; connecting link; consent state road department not required	1949	380
Purchase	1945	270	Peddlers	1935	696
Sale; state's interest	1943	204	Pensacola, interpretation of laws granting additional powers to, and construction of §10 and article IX of the constitution	1933	537
State owned, no power to tax	1949	213	Police court, disqualification of judge	1927	442
Tax assessment and lien	1945	273	Police department; juveniles involved in accidents and criminal cases, without authority to retain in files, names	1959	723
Tax certificates, cancellation, held by municipality	1957	936	Police officers		
Name, act of legislature necessary to change	1931	814	See also: POLICE OFFICERS		
New municipality created from territory of abolished municipalities and other territory, taxation by	1957	270	Alcoholic beverage, sales		
Nonadmitted insurer; purchases of insurance coverage by municipalities; premium receipt tax, liability	1957	14	Connection with; prohibited	1953	24
Nonresident widows; tax exemption	1945	289	Contrary to law; search with or without warrant; authority	1904	61
Notes or bonds secured by municipal mortgage; tax situs	1953	251	Arrest		
Occupational licenses			Beyond corporate limits of municipality; legality	1955	35
Itinerant photographers; validity	1951	259	Pick-up notice; authority	1951	764
Outdoor advertising, operation within; requirements	1957	689	Summon for assistance; powers	1957	816
Physically handicapped persons; exemption	1951	323	Violation state laws		
Officers			Authority	1949	350
Bond in mandamus suits against, not required to post	1933	538	Liability false imprisonment	1949	601
City, qualifications	1925	386	Warrants issued by state court or justice of peace court; execution by; legality	1953	684
Contracts with city, prohibited	1955	258	Without warrant	1951	782
Elective officers, qualification requirements	1959	768	Aid at request of highway patrolman; authority	1955	492
Military leaves of absence; governor to grant	1943	169	Conditions precedent	1953	680
Recall, election	1923	74	Pick-up notices; authority	1953	680
Suspension, power of governor, city of Key West	1935	693	Beverage law violation, power	1955	54
Option to purchase real estate; advancement of money in excess of fee; extension of option; legality	1959	414	Chief		
Ordinances			Eligibility of constable	1947	625
Alcoholic beverages, regulating sale; power of state officers to assist in enforcement	1959	165	Fees		
Driver's license suspension; legality	1953	185	Acceptance from sheriff, lawful	1931	758
Escapees, city jail; municipal ordinance violation; application of law	1955	785	When entitled to	1931	719
			County search warrant, service	1951	782
			Drivers of federal vehicles, arrest; authority	1953	686

Subject	Year	Page
MUNICIPALITIES (cont.)		
Police officers (cont.)		
Engaged or employed in beverage business; prohibited	1955	54
False arrest by; liabilities	1951	764
Felony conviction; civil rights not restored; care or ownership of pistol; legality	1959	762
Florida state hospital	1935	765
Carrying arms and making arrest	1935	767
Fugitive		
Arrest; procedure	1951	764
Warrants; execution by; authorized	1953	684
Hot pursuit		
Arrest beyond corporate limits; authority	1945	737
	1947	154
		593
	1955	35
		105
Insurance and annuity fund; contributions; refunds		
Not allowed	1949	312
State treasurer, by	1951	275
Minor's restricted driver's license; authority to take into possession for violation	1955	605
Motor vehicle drivers' licenses; violations, ordinances; authority	1949	370
Offenses by	1957	333
Passing motorist, compel to aid in pursuing person committing a misdemeanor; authorized	1957	816
Powers		
Inside city limits; service of search warrant issued by county judge	1947	604
Municipalities authorized to exercise, when	1929	177
Outside city limits; arrest without warrant; accepting appearance bond	1947	593
Private wire service violations, authority	1955	613
Process and warrants, serving beyond city limits	1935	697
Same rank, pay rates	1959	362
Search		
Private residence with permission; legality	1953	714
Seizure after lawful arrest; illegal	1953	686
With warrants	1951	782
Without warrants, powers	1951	782
Service of warrants issued by county judge or justice of peace, no authority	1951	46
Specialist in public work, qualification as expert witness	1957	17
Speeding; immunity from arrest by state or county officials	1955	35
State laws, enforcement; authority	1953	683
Traffic		
Accident, arrest without warrant	1955	447
Violators; shooting of firearms in pursuit; authority	1955	105
Warrants, foreign state; service; authority	1951	764

Subject	Year	Page
MUNICIPALITIES (cont.)		
Police officers (cont.)		
Witness fees, entitled to receive when attending court	1929	338
Work during off-hour duty at Biscayne Kennel club; function as security police; to detect violations	1957	498
Workmen's compensation law, liability under, in case of injury to special deputy	1939	366
Police officers' retirement fund		
Annuity contract purchases; refunds; responsibility of participants; powers of trustees	1957	659
Deposit administration contract, assets of fund placed under; legality	1959	730
General operation; construction of \$185.34 as to	1959	412
Insurance premium tax		
Computation	1953	191
Segregation of accounts	1959	290
License tax, type of insurance coverage included	1953	198
Retirement benefits, condition; limitation	1957	726
Social security law, as amended; relation to	1953	202
Tax revenue, disposition	1953	194
Police powers, when authorized to exercise	1929	177
Pool rooms, proposed ordinance permitting minors to visit; without authority	1953	188
Population acts; application of 1960 federal census as to	1959	652
Powers		
Agreements with trade union	1943	391
Outside city limits		
Pursuit and arrest	1945	737
Service of warrants	1945	265
Selling municipally owned power line; method	1949	206
Preferred claim against a certain bank, when entitled to	1929	202
Premium receipts taxes; liability	1957	14
Primary elections in, not controlled by state primary election law	1913	231
Prisoners		
Delivered to county; reimbursement for costs	1945	111
Employed, benefits under workmen's compensation law	1941	580
Hospitalization and medical care, payment, etc.	1959	219
Temporary detention in county jail	1949	209
Release	1951	46
Property		
Contract to sell and convey; tax situs	1957	580
Exemptions	1931	469
		682
County and municipal tax assessors	1949	207
Leased; not exempt from taxation	1931	480
Leased to municipality, used as parking lot; tax situs	1957	561
Municipally owned under lease agreement with airplane corporation, tax situs	1959	562

Subject	Year	Page
MUNICIPALITIES (cont.)		
Property (cont.)		
Not used for public purpose; tax exemption	1947	184
Owners formerly within limit of city; payment of bonded indebtedness; liability	1959	255
Privately owned, leased to city for public purposes; tax situs	1959	88
Public use		
Exemption	1929	217
Wartime airport; tax exemption	1949	214
Real property owned by		
Construction of building; leased to federal government; tax situs	1959	88
Tax situs, if conveyed	1959	88
State and county taxes, when not exempt from	1931	672
Public roads, county liable for maintenance of, within limits	1929	325
Public swimming pool; school property; construction jointly with county	1949	433
Public works for promotion of health	1935	474
Punchboards licensed by; gambling; sheriff's duties	1949	580 581 582
Railroad assessment values, determination and distribution by railroad assessment board	1941	200
Recorded	1931	728
Justice of peace may hold office	1937	69
Recreational facilities, joint operation with county and board of public instruction	1951	379
Real estate brokers and salesmen; listing in municipality other than place of business; license requirement wherein such property is located	1959	688
Regional housing authority; operation extended to incorporated cities within territorial boundaries; authorized	1957	776
Reincorporation; taxation of railroads and telegraph lines	1947	220
Removing buildings from tax certificated lands foreclosed by	1935	89
Residence	1935	701
Resolution; federal housing and rent act; governor's duty	1949	27
Resurface streets; county board public instruction	1949	294
Retired county officer		
Effect of accepting membership on municipal council	1947	166
Employee; forfeiture of benefits through entering municipal service	1947	169
Revenue		
Acceptability as deposits with insurance commissioner	1947	530
Intangible tax liability	1947	240
St. Petersburg Beach, city of; electors; qualifications	1949	84
Safety code, adoption under state workmen's compensation provisions; powers of arrest and prosecution of violators, authority	1959	76

Subject	Year	Page
MUNICIPALITIES (cont.)		
Salvation Army premises; churches; zoning ordinances	1949	488
School buses; warning signs; enforcement of law	1949	305
School property, title; right of county board of public instruction	1941	254
Search warrants		
Mayor, issuance	1947	604
Municipal judge, authority to issue	1943	501
Securities, amount	1935	617
Seining, authority to prohibit in city limits	1935	636
Service officers; employment	1945	476
Signal devices, requirements; motor vehicles, operation with-in	1951	458
Small incorporated cities; number of liquor licenses allowed	1959	716
Social security, coverage agreement; exclusion of certain officials	1951	705
Special assessment; school property; liability	1951	431
Special municipal election to fill vacancy in office of mayor; holding in conjunction with general election; validity	1955 1935	743 695
Special or local laws		
Special taxing district; incorporated municipalities within district; extension of municipal boundaries; effective dates of acts	1959	426
Stadium, municipally owned; leased for entertainment purposes, occupational license tax, requirement	1959	84
State board of health; acquisition of property from city of Pensacola	1947	414
State collected taxes; reallocation; extraordinary session; authority	1949	24
State highway patrolmen; traffic assistance; compensation	1949	208
State park within boundaries		
Policing by municipal officers, authority	1959	665
Zoning regulations	1953	570
State property		
Disposition by cities after purchase	1949	221
Paving assessment against; costs, payment	1953	182
State road department; traffic signals; jurisdiction	1949	383
State school fund; overpayment of interest; refund	1949	282
Stores, may levy 25% of state license on	1931	961
Streets		
Maintenance; assistance by county	1947 1949	398 393
Subdivision width; highway code, requirement	1955	388
Subversive organizations; public activities; ordinances regulating	1949	596
Supersedeas bond premium in appeal to circuit court as costs; payment by city	1957	488

Subject	Year	Page
MUNICIPALITIES (cont.)		
Supervisors of registration		
Duties	1947	161
		162
Eligible voter list; duties	1949	204
Supplies, if member council prohibited from purchasing from himself	1931	593
Surveyor, employment; use of certain funds	1953	180
Tampa; annexation of territory; procedure	1947	173
Taxation See: TAXATION		
Taxicab drivers; Bartow, city of; driver's certificate	1949	371
Telegraph service, purchase; tax levy on; authority	1953	181
Temple Terrace, town of; prisoners; confinement in county jail legal	1949	209
Termination	1917	425
Tourist park, city-owned property utilized as; tax liability	1957	925
Traffic officer		
Arrests with or without warrants, authorized	1953	171
Criminal process, service; authorized	1953	171
Treasurers	1931	729
Unregistered investment advisor's contract with; effect	1957	330
United States public health service milk ordinance, may adopt by reference	1939	307
Utilities act, construction	1931	904
Vero Beach; registration books opening and closing	1949	83
Volunteer fire department, Altamonte Springs; appropriation	1953	176
Volunteer firemen		
Flashing red lights on private vehicles, use of	1957	351
Funeral expenses; pension fund; maximum benefit allowed	1949	210
Voting machines		
Mandatory, Pinellas county	1949	110
Requirements	1949	111
Use when owned and used by county; authority	1959	259
Wages, assignment by employees; not binding on employer	1959	224
Waterworks		
Deposits; interest	1951	274
Distribution system franchise; right of city to purchase	1955	711
Issuance of bonds; validity	1905	51
Subscribers' deposits, interest	1951	274
Water mains, municipally owned; exemption	1941	151
Water supply; obtaining from state park	1945	654
Water system, right of city to purchase facilities upon expiration of franchise	1955	711
Watershed of municipal water supply, control over; authority	1955	954
Wauchula, city of; county road funds; tax collector; accounting	1949	392
Wearing masks, burning crosses; ordinances make it unlawful	1949	208
Weight, automobiles; authority to regulate while operated on streets	1931	722

Subject	Year	Page
MUNICIPALITIES (cont.)		
Wet counties; liquor license requirements	1949	488
Wharf, use of cigarette tax money for construction	1949	278
Withholding tax; municipal employees; subject to	1949	19
Workmen's compensation law		
Liability for injuries to special policemen and auxiliary firemen in defense work	1941	350
Rejection	1935	536
When liable for assessment	1937	335
Youth employment service; operation; municipal tort liability	1957	723
Zoning		
Alcoholic beverages		
License, refunds; resulting	1951	344
Powers	1947	509
Vendor; club licenses prohibited	1949	492
Authority to pass; location liquor vendor	1949	496
Building code; town of Belle Vista Beach	1949	211
General law, created under; regulation	1949	211
Hotels, operation; conflict; prohibited	1951	594
Laws and regulations	1949	211
Ordinances; prohibits sale of alcoholic beverages within certain areas, authority	1955	655
Regulations		
Effect upon when appeal board not appointed	1959	202
Immunity of certain districts from	1959	153
Salvation Army premises as churches	1949	488
State park within boundary of municipality; regulation	1953	570
Vendor of beers and liquors; power of police; restricting location	1949	496
Murder See: CRIMINAL PROCEDURE; TRIALS		
MURPHY ACT LANDS		
Advertisement and sale	1945	271
Applicants; priority	1945	268
Boards of public instruction, conveyance	1945	275
	1955	217
Church, conveyance of title	1943	201
Clerk circuit court		
Assignment certain tax sale certificates, not authorized	1939	33
Fees not income of office	1939	32
Lands forfeited, duties	1939	29
Redemption tax certificates purchased by person other than owner of land, duties	1939	31
Collections, deposit and disbursement by state treasurer	1941	170
Construction; duties, tax collector	1939	512
Conveyance subsequent to January 1; tax liability	1945	276
County owned; reversion to state	1943	220
Disclaimer of title	1943	200
		202
		205
Drainage district, inclusion of; state and county tax sale certificates; not within purview of act	1953	352

Subject	Year	Page
MURPHY ACT LANDS (cont.)		
Easements; public purposes; survival	1949	225
Exemption from municipal taxation	1945	270
Expiration date; purchase tax certificates	1939	504
Federal condemnation; state's title, transfer, notation, tax records	1951	305
Florida inland navigation district; assessments as charges on	1953	215
Former owner; right to disclaimer	1943	203
Futch act; application	1945	274
		308
Indian River farms drainage district; tax assessment; state liability	1951	448
Inland navigation district taxes, not subject to assessment while state held	1949	345
Lands, purchase of city of Chipley	1941	170
Leased to United States; trustees internal improvement fund; authority	1943	294
Leases		
Oil and gas rights	1945	269
Retained oil interest; working agreement	1945	451
Municipal corporation, assigned to; enforcement or recovery of	1955	746
Municipalities		
No power to tax while fee simple title vested in state	1949	213
Taxes; assessment and lien	1945	273
Notice to former owner; necessity	1945	271
Purchase		
Municipality, by	1945	270
		291
Sale and, by city Ft. Lauderdale	1949	221
Redemption by former owner	1953	239
Resale	1943	202
Restrictions on lots; action to remove	1943	195
Reversion to state through lien for 1933 taxes	1945	291
Riparian rights, separate assessment; deed issuance	1951	290
Sale		
Lease, or; oil, mineral rights	1943	205
Municipalities; state's interest	1943	204
Parcels, or in bulk	1945	271
		291
Refund of portion of consideration	1943	204
State lands		
City may not tax	1949	213
Liens, extinguishment	1941	160
Taxability	1941	171
Tax certificates		
Assigned		
Cancellation	1947	214
Municipal corporation, enforcement or recovery	1955	746
Cancellation	1943	217
	1955	126
Held by municipality	1957	936
Reimbursement of holders	1947	181
Error in description	1945	271
		292
Inspection by state auditor	1941	188
Issued in 1935, held by state, vested title to certain lands in state	1941	189
Loss, effect	1941	189
Owned by individual; cancellation	1945	156

Subject	Year	Page
MURPHY ACT LANDS (cont.)		
Tax certificates (cont.)		
Redemption	1943	219
Before application for tax deed	1941	191
Rate of interest	1941	167
Refund to unsuccessful applicant for tax deed	1941	192
Voluntary, amount holder entitled to receive	1941	193
Rights of holders	1945	272
Twenty years old; cancellation	1947	211
Vesting of title in state	1941	194
	1943	217
Tax collector, duties; construction of law	1939	512
Tax foreclosure by drainage district; effect	1945	307
Title		
Formerly in city; application of Futch act	1945	274
Mortgagor	1943	203
Trustees internal improvement fund; right of way for state road	1949	217
Museums; tax exemption	1947	190
Music machines See: LICENSES AND LICENSE TAXES; TAXATION		
Music store; license required of piano tuners	1933	12
Mutual fire insurance See: INSURANCE		
Mutual funeral and burial associations See: INSURANCE		
Mutual indemnity plan See: INSURANCE		
Mutual savings life insurance company See: INSURANCE		
MYAKKA RIVER STATE PARK		
Allowing municipality to obtain water supply	1945	654
Use of lands restricted by deed of conveyance	1941	706

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
NAMES			NARCOTICS (cont.)		
Ballots, use of title "Dr."	1951	123	Drug stores, when may be denied license on ground of immoral character	1933	436
Change, how made legally	1917	176	Inspectors; supervision	1943	366
"Club"; legality of use in corporate name	1951	637	Law; violation	1943	367
Corporation requirements, fictitious name statute	1949	588	License, when may be granted by board of health	1933	436
Door prizes; free will offering; charity shows; gambling laws	1949	585	Motor vehicle, seizure, for violation	1955	16
Fictitious; registration; cancellation	1943	493	Narcotic patients; state prison officials; authority prescribe occupational therapy	1949	425
Florida accountants association; corporate name; use of word not prohibited	1949	459	Naturopaths; prescribe, dispense or administer; authority	1937	248
Foreign corporations; restrictions; word "savings" in name	1949	560		1953	490
Notary public commission; legal married name required of women	1949	163	Optometrists; no authority to prescribe	1949	415
Party candidates unopposed; ballots; not printed on	1949	100	Violations; jurisdiction of courts	1943	367
		127	Warrants and prisoners, construction	1937	247
		129	Wholesale dealer's license; general; requirements	1943	367
Permanent designation of state buildings	1945	438	NASSAU COUNTY		
Private firms and corporations; use of word "state"	1945	661	Livestock fenced by owners; no fence law	1949	507
Supervisors of registration; erroneous removal; restoration	1949	93	Open hunting season for deer, laws relating to	1939	392
		99	Public highways; speed zones; establishment; enforcement	1949	351
Title insurer with "trust" in corporate name; right to do business in Florida	1947	572	Registration; freeholders; bond election	1949	150
Trade name, use of word "doctor"; legality	1945	567	School		
Woman tax collector; effect of marriage upon duties	1947	584	Code repeals chapter 19336	1939	191
Narcotic drugs See: DRUGS			Property; grade city streets; adjacent to; use of school funds allowed	1949	295
NARCOTICS			Supervisors of registration		
Addicts; commitment			Compensation	1949	101
Contract signed by, validity	1931	735	Duties; school bond election	1949	150
Drug inspection division not authorized to make arrests or searches under driver's license law	1939	310	NATIONAL ASSOCIATIONS		
General	1925	85	County attorneys, attending meetings out-of-state; expenses, payment	1955	912
Hospital, Raiford	1943	365	Prosecuting attorneys; annual dues as county expense	1955	908
Physicians; hospitals; entitled information from bureau of narcotics	1949	424	National banks See: BANKS AND TRUST COMPANIES		
State prison superintendent; physician; occupational therapy; confinement; authority to prescribe	1949	425	National capital housing authority; bonds of; exemption from intangible personal property tax	1959	445
Bureau of narcotics			NATIONAL CONVENTION		
Federal; certification of nonresident physicians	1943	348	See also: ELECTIONS		
State			County funds, expenditure of; by fee officers for	1955	883
Dental laws, enforcement	1941	511	Delegates, selection of	1927	152
Director, appointment as custodian of records of board of medical examiners	1941	615	Party delegates, election, requirements	1953	114
Information on physicians, drug addicts, furnish hospitals	1949	424	National fidelity insurance company; unauthorized insurer; nonresident risk; credit allowed Florida insurer	1949	522
Oath, administration of by clerks	1947	432	NATIONAL FORESTS		
Chiropractic physicians not authorized to prescribe, dispense and possess	1939	312	Firearms, carrying in		
Compounding, under supervision of registered pharmacist	1935	479	During trapping season; prohibition	1955	847
Driving under influence of narcotic drugs; proof of impairment of defendant's normal faculties necessary	1959	100	Effect of A IV S 30	1959	348
			Funds, distribution	1931	535
			NATIONAL GUARD		
			See also: COUNTY GUARDS; GUARD, FLORIDA STATE; MILITARY FORCES		
			Appropriations	1933	387

Subject	Year	Page
NATIONAL GUARD (cont.)		
Armory; lands donated by municipalities, authority to convey	1955	575
Bridges and ferries, free passage	1933	570
Custody property; United States; lost; payment, general expenses; military department	1949	331
Disbursements, construction of law	1927	184
Entertainments, etc., sponsored by guard unit; license tax	1947	356
Expenses	1921	136
Funds may be used for benefit of	1939	539
Members		
Leave of absence; with pay; of officers, employees; state, county and city	1949	158
Payroll, authorized	1933	394
Stated allowance, entitled to	1927	122
Workmen's compensation law; application	1947	445
Motor vehicle, accidents involving life and property not state liability	1933	570
Naval militia	1935	721
Officers		
Appointment	1917	89
	1919	69
		83
Flight pay	1947	360
Governor's power to transfer or remove	1931	352
Retired		
Active duty; authority of governor to call	1941	351
Eligibility to receive compensation as assistant state attorney	1947	358
Parade, etc.; violation of election law	1947	588
Poll tax		
Members		
Exemption	1927	398
Payment	1923	76
Pugilistic exhibits, authorized to hold	1927	444
Retirement See also: RETIREMENT SYSTEMS		
State employees; leaves of absence for training	1947	359
Pay	1949	158
State militia, payment for supplies loaned Red Cross	1935	721
National housing act; loans under	1933	534
National labor relations act; mediation and conciliation service; notices of dispute; requirements within meaning of privileged matter	1957	432
National magazine; advertises contest, required contribution; whether violative of lottery or gambling laws	1955	896
National medical foundation for eye care; false and misleading advertising concerning optometrists	1959	50
National mortgage associations; securities, investment of fiduciary funds authorized	1939	18
National motor vehicles theft act; aeroplanes not within contemplation of act	1939	433
National soap manufacturer; sweepstakes, conducting; lottery laws, violations	1955	376

Subject	Year	Page
National states rights party; presidential candidates, removal of names from ballot	1959	721
National youth administration; employees; credit under teachers' retirement system	1947	331
Natural gas; foreign corporations, transporting natural gas into state from without; liability	1959	353
NATURALIZATION		
See also: CITIZENSHIP		
Electors; proof of citizenship; sufficiency	1945	160
Final certificate required; citizen of Great Britain; registered nurse	1949	452
Foreign born citizen; proof required to register	1949	89
Parents alien; child citizen of United States	1949	329
Proceedings		
Clerk required to account for fees	1937	41
Fees in connection with; income of clerk's office	1957	648
NATUROPATHY		
Botanical preparations, prescription	1941	628
Dangerous drugs; authority to prescribe	1945	604
		605
Defined	1933	463
Educational requirements; constitutionality	1943	401
Fees	1941	576
Health certificates		
Examinations	1941	626
Issuance	1941	626
		630
Qualified to make; requirement; state hotel commission	1949	471
Marriage licenses; health certificates	1947	579
		580
Materia medica, acts constituting practice of; prohibition	1945	572
Midwifery; authority to practice	1943	401
Narcotic drugs, right to prescribe, dispense or administer; authority	1953	490
Naturopathic examiners		
Applicants, examinations	1953	491
Board may revoke license for certain causes	1931	426
Budget; jurisdiction of budget commission	1945	367
Certificate of proficiency as prerequisite to license	1939	318
Deposit of funds in state treasury	1945	573
Disciplinary action, taking; authority	1953	491
Educational requirements, examinations	1953	491
License		
Renewal; educational requirement	1953	491
Suspension; felon; authority	1953	491
Electro-theraputists and professional masseurs, certificates to should be issued	1927	250
Examination and renewal fees; increase of; without authority	1955	326
Fees, increase of without authority	1955	326
Licenses		
Board to determine	1931	426

Subject	Year	Date
NATUROPATHY (cont.)		
Naturopathic examiners (cont.)		
Licenses (cont.)		
Renewal fees	1937	361
Requirements for proficiency in the basic sciences; examination	1945	563
Revocation on conviction of felony	1941	625
Right of phyto-therapy to prescribe, etc., construction of law in re	1931	424
Naturopathic physicians		
Construction of law	1931	424
Health certificates, when authorized to issue	1931	424
Licensing		
Residence requirements	1959	480
Status of law regulating	1959	67
Narcotic drugs, not authorized to prescribe or dispense	1937	248
Prescription medicine, dispensing of; prohibited	1959	64
Renewal of licenses after July 1, 1959; residency requirements	1959	214
Practitioner; necessity of passing examination in basic sciences	1947	451
Prescription for lenses	1943	402
Registration required under the law	1927	249
Taxed as physicians	1929	374
Naval militia See: MILITARY FORCES		
NAVAL RESERVATION		
Jurisdiction; highway patrol excluded	1949	366
Liquefied gas delivered to ultimate consumer; interstate commerce tank cars	1949	480
Post exchange, cigarette tax free	1957	31
Resident, not an elector	1919	311
NAVAL STORES		
Division of costs for inspection	1917	391
Inspection and classification, construction law	1931	794
Inspectors		
Application of law	1931	916
Nonresident	1917	407
Opinions	1917	390
Retirement; entitled credit; aggregate number years service	1949	167
Supervising		
Appointment, eligibility of legislator	1915	111
Term of office	1927	133
Territorial jurisdiction	1919	94
Wood turpentine not contemplated	1917	390
Operators and turpentine farmers not entitled to benefits under workmen's compensation law	1939	376
Statutory standards	1923	83
Trucks used not deemed "For Hire" vehicles	1937	553
NAVIGABLE WATERS		
Court's jurisdiction over	1909	67
	1911	68
Piers and buildings on lands covered by navigable waters, tax situs	1957	243
Right of way, procuring by eminent domain for public use; county commissioners, authority	1959	275
Riparian rights	1939	547
Seaplane bases; rights of the public; regulations prescribed by development commission	1957	621
Shore space	1931	523

Subject	Year	Date
NAVIGATION DISTRICTS		
Taxation; federal government exempt	1949	215 216
West coast inland navigation district; commissioners; funds allowed; survey	1949	346
Navy department; permit required; collection of taxes; civilian tenants; military reservation	1949	231 246
NE EXEAT		
Bonds; approval, officer responsible	1953	54
Writs; service; sheriff's fee	1959	59
Negligence; statute of limitations, when runs against physician	1931	791
NEGOTIABLE INSTRUMENTS		
See also: BANKS AND TRUST COMPANIES		
Bonds; subject to intangible and documentary stamp tax	1931	1063
Checks, worthless		
See also: WORTHLESS CHECKS		
Issuing; elements of crime	1947	587
County warrants, stolen after endorsement; stop payment	1951	28
Documents executed in Georgia; later sent to Florida; documentary stamp tax liability	1957	613
Field warehousing; storage; legality	1947	574
Notes, effect of increased interest rate upon renewal of	1959	28
Promissory notes		
Airport authority; secured by mortgage; construction of mortgage provision	1957	200
Assignment of, subject to documentary stamp tax	1933	45
Documentary stamp tax		
Contracts; promised payments contained	1949	256 257
Federal agencies holding	1949	254
Federal credit unions; documentary stamp tax, liability	1957	23
Liability	1931	1063
Religious organizations	1947	230
Situs in another state	1945	337
Subject to, upon renewal, when	1937	507
Executed and delivered in other states, brought in state by payee or holder; documentary stamp tax, exemption	1959	709
Intangible personal property tax on	1933	51
Intangible tax, situs	1931	1063
	1947	175 243
Line of credit with bank, given to secure; documentary stamp tax liability	1959	118
Made in other states to a state bank; excise tax liability	1959	569
Made to commodity credit corporation as payee, applicability of documentary stamp tax act to	1933	38
Mortgages, secured by group; successive filing	1957	91
Municipality, county, state owing notes or accounts to a corporation; tangible tax situs	1949	249

Subject	Year	Page	Subject	Year	Page
NEGOTIABLE INSTRUMENTS (cont.)			NEPOTISM (cont.)		
Promissory notes (cont.)			Bus drivers employed by school boards, not applicable to	1939	216
Policy loans by insurers; documentary stamp taxes	1949	257	Cannon, common or civil law, relationship determination	1957	311
Production credit association; discounted or sold; intangible personal property tax, liability	1955	485	Civil law method used in computing degrees of relationship	1933	574 577
Purchases of certain documents at discount, etc.	1957	283	County commissioners, prohibition	1949	160 161 215
Reconstruction finance corporation, secured by mortgage to; excise tax	1947	228	County judges; employment of relative	1947	130
Registration as securities by notification requirements	1945	619	County officers		
Scholarship notes; form, endorsements	1947	350	Father's half brother's child, inapplicable	1933	571
Secured by express lien in deed; taxability	1953	252	Limited to employment of one relative under law even though unsalaried	1933	578
Senatorial or representative scholarships; enforcement of collection	1949	321	County superintendents and trustees not prohibited from recommending relatives as school teachers under law	1933	575
Signed in other states, accepted in Florida; tax situs	1955	930	Defined; degree of relationship	1933	580
Written obligations to pay; documentary stamp; taxability	1959	432	Degree of relationship, method of determining	1945	230
Public funds, construction, as used in chapter 219	1957	871	Domicile, how established	1933	572
Single note given for renewal of two or more notes; taxability	1957	929	Emergency employment, prohibited	1957	311
State warrants, stolen after endorsement; payment	1951	27 28	Employees; reckoning degree of relationship	1945	230
Worthless checks See: WORTHLESS CHECKS			Employment		
NEGROES			More than one relative of board as a whole; prohibited	1933	578
See also: ELECTIONS			Short period of time; prohibited	1957	311
Auditorium and swimming pool; municipal property; county school funds use	1949	308	Under contract; not affected by nepotism law	1933	571 576
Defense training, white instructors	1941	351	Fee officers and their employees, law applicable	1933	577
Elections			Husband's qualification does not qualify wife	1933	575
Democrats, may not register as Primary	1933	357	Man who is a son of wife's father's half sister, employment lawful	1933	572
If allowed to vote in	1927	418	Married woman related in second degree to husband's sister's husband	1933	573
Prohibited from voting in	1923	226	Officers, state and county, prohibited from employing relatives within fourth degree	1933	574
Registration authorized	1931	910	Public employees' wife's half sister's son, applicable	1933	576
Registration	1931	965	Public officers; powers and duties	1949	160 215
Illegal	1947	52	Relationship within fourth degree with the party employing such person; prohibited	1933	573
Register and vote, when allowed to	1927	348	School board members, prohibition	1949	160 161
Florida A and M college; "Orange Blossom Classic"	1931	942	School teachers, law applies	1933	572
Jurors; selection as individuals; county commissioner's duty	1949	328	School trustee, application	1945	231
Placing name on list of veniremen, advisability of	1949	76	Special tax school district trustees	1935	723
Served in dining rooms; hotels and restaurants, no regulations to prohibit	1923	224	State and county officers, prohibited from employing relatives within the fourth degree	1933	574
Students	1949	469	Violation, penalty	1933	571
Florida council for the blind; Bethune-Cookman college; white teachers	1949	307	Waiver by governor	1943	121
University of Florida	1941	332	Wife of half uncle by marriage, previously deceased, of school board member's wife; employment authorized	1933	577
Neon sign; sundries and medicines; merchants; advertising; violation	1949	454	NETS, SEINES, ETC.		
NEPOTISM			See also: FISH AND FISHING		
Adopted relatives, law construed as applying to	1959	520	Biscayne Bay, use	1935	637
Board of public instruction, inapplicable to applicant whose great-grandmother was also aunt of member of	1933	576	Confiscation; destruction ordered; illegal use	1949	411

Subject	Year	Page
NETS, SEINES, ETC. (cont.)		
Drag nets		
Disposition	1925	270
Use of in Martin county	1925	272
Fish improperly caught, return to water	1935	654
Fishing		
Certain waters, use of; construction of law	1931	518
Illegal use; seizure, disposition	1943	336
Possession of certain, illegal	1949	397
Regulations; waters of Lee county	1949	411
Illegal		
Seizure		
Disposition upon	1941	506
Method	1923	162
Mullet fishing, seining of fresh water, no authority conferred by law	1929	276
Net fishermen; no license to sell catch	1949	410
Nets, legal size	1941	506
Replevin		
Not proper action by owner, other remedies outlined	1927	224
Unauthorized	1923	164
Salt water fish		
Lee county waters	1949	411
Maximum length	1947	409
Salt water fisheries; force trap nets	1943	335
Seining in certain waters of Collier county; legality	1947	406
Seizure, disposition upon; Lee county	1949	411
Stop-nets; unlawful for fishing in creeks and streams	1937	295
Use of prohibited		
Certain waters	1905	185
General	1905	140
	1909	71
New Jersey highway authority; state guaranteed parkway bonds (series A) eligible as security for deposits of state money	1953	13
New Smyrna Beach; ordinances; resolutions; quorum required; affirmative vote	1949	206
New Smyrna, city of; electrical equipment; selling; election of freeholders	1949	206
New trial See: TRIALS		
New York state; state not liable for care and treatment of insane prisoner	1939	544
Newsletters; state subscriptions and purchase; use of state funds	1955	943
NEWSPAPERS		
Advertisement		
Election candidates	1951	154
Legal		
Editors' charges in excess of statutory rates no offense	1949	77
Must be printed within county to qualify for	1933	138
Publication	1941	70
Qualification as medium	1929	404
Successors	1935	724
Out-of-state publisher, soliciting; occupational license requirement	1955	692
Political		
Acceptance; donations; by non-profit corporations	1951	208

Subject	Year	Page
NEWSPAPERS (cont.)		
Advertisement (cont.)		
Political (cont.)		
Publications not qualified for legal advertisements	1955	530
Cameramen; photographing proceedings within hearing room; permitted	1957	853
Clerk circuit court authorized to publish application for issuance of tax deed	1929	305
Complaint records, inspection by press or public; prohibited	1957	189
Delinquent tax list, publication		
Correction of errors, authority	1933	132
County commissioners		
Authority to redesignate	1933	137
Selection	1931	555
	1933	132
	1935	86
	1913	183
General		
Newspaper owned by state officer	1935	724
Qualification	1931	956
	1935	85
Football contest		
Prize award, etc.; whether violative of law	1959	309
Whether violative of lottery laws	1951	731
	1957	372
Insurance agents; district managers as insurance agents; required qualifications	1949	531
Investigative and "M. O." files used in connection with criminals; inspection by press or public; prohibited	1957	189
Laws, publication		
Claim	1931	299
Entitled to one hundred dollars	1931	913
Notice of local laws	1913	195
Legal notices		
General	1935	725
Publication		
Change of name and ownership, when entitled to publish after	1933	581
Clerk of circuit court	1937	47
Eligibility	1937	624
Lawful, when	1931	826
Place, validity	1905	39
Tax sale notices, when qualified to publish	1931	833
Owners and publishers; occupational license tax to operate business as publishers, exemption	1929	375
Published, defined	1953	233
State wide publication, defined	1933	581
Subscriptions, racing commission authorized to pay	1933	441
Night; hunting; penalties	1945	734
NINETY-NINE YEAR LEASE		
See also: LEASES		
Documentary stamp tax on	1933	44
No fence law See: ANIMALS AND ANIMAL INDUSTRY; FENCES		
NOLLE PROSSE		
County prosecuting attorney; authority; cases insufficient evidence	1949	184
County solicitor, issuance of, before trial	1957	699
Prosecuting attorney authority in certain cases	1957	554

Subject	Year	Page
Nominations See: ELECTIONS		
Nonassessable policy; insurance See: INSURANCE		
NONCLAIM ACT		
Claims presented after one year, not authority to pay	1939	37
Statutory compensation, not applicable to bills	1939	43
Nonjudicial papers; county judge's assistant clerk; without authority to sign	1949	56
Nonnavigable waters; seaplane bases; rights of the public; regulations prescribed by development commission	1957	621
NONRESIDENTS		
Absentee ballots; application; witnesses; seal; required	1949	115
Administrator, eligible to act as	1931	810
Agent; sales of trusses, license	1951	325
Appointment; legal residence requirement	1949	162
Banks; deferred payment obligations, assignments to; taxable situs	1951	312
Boat and fishing licenses		
Amount charged	1951	512
Exemptions; residence requirements	1951	512
Bond; clerks circuit court; approval; responsibility	1949	163
Business, estate tax; liability	1951	295
Children		
Licenses, hunting and fishing; exemptions	1951	508
School attendance	1931	545
		546
Commission; married woman; husband's surname required	1949	163
Corporations; intangibles; personal property taxing statutes	1949	220
County registrar; removal permits for dead bodies, issuance	1951	522
Delinquent ad valorem taxes against; authority to tax collector to collect	1949	250
Employed by state, membership in state and county retirement system; eligibility	1955	700
Employers; records transferred; experience rating under unemployment compensation law	1951	562
Fish; purchase in Florida; sales in Georgia; dealer's license	1949	407
Fishing license	1909	43
Required	1925	283
		349
Florida		
Merit system; employment; residents given preference	1949	155
State hospital, not eligible for hospitalization at	1939	386
Game law, definition	1931	628
Homestead exemption; nonresident owner and resident, dependent occupants	1957	94
Hunting license		
Requirement	1905	149
		176
Subject to	1909	63
Insurance agents' commissions; division by Florida resident agent	1949	529
Intangible personal property		
Decedent; not taxable under 1933 act	1939	466

Subject	Year	Page
NONRESIDENTS (cont.)		
Intangible personal property (cont.)		
Held by resident and nonresident trustees; tax situs	1953	262
Manufacturers; local hostesses, orders, interstate commerce; license liability	1951	317
Marriage ceremony; performance authorized	1949	565
Merchants; salesmen; occupational license tax, liability	1951	319
Motor vehicles		
Firms; vehicle seizure, sales tax violation	1951	335
License tag		
Automobile dealer's tag, may use	1937	553
Certain exemption	1927	394
Child attending school	1951	466
Definition	1931	386
Exemptions	1937	550
	1953	402
For hire vehicle, required to pay	1925	154
Payment	1925	189
Wife of serviceman employed in state	1951	467
Manufacturers, bond and license requirements	1951	610
Must operate to obtain benefit under law	1939	493
Operation of, without obtaining operator's licenses	1939	333
Taxation; exemptions	1949	358
Title certificates		
Requirement	1953	397
Surrender foreign license plates	1949	353
Notaries public		
Appointment		
Eligibility	1939	404
Statutory requirement	1949	162
Physical therapists, registration	1951	591
Physician; treatment of patient within state; license	1953	488
Process, service		
Acceptance by secretary of state	1959	232
Certified mail in lieu of registered mail	1955	366
Race horse, owner; tax situs	1953	265
Register and obtain automobile license, when required	1925	155
	1937	554
	1939	480
Taxability of trusts		
Taxation, situs of, for stock, construction of law	1931	315
Tuition fees, Florida state college for women	1939	294
Unemployed; exempt from automobile license plates	1949	358
Veterans; beauty culture, examination fee, liability	1951	587
Waiver of claims for taxes on stock owned by decedents, issuance	1931	283
Warrants of arrest; municipal court, authority	1951	265
Yacht captain not required to obtain automobile license	1937	556
Nonsupport; wife and children; divorce; desertion; jurisdiction	1949	584
North Broward hospital district; officers and employees; state and county retirement system, not included under compulsory provisions	1957	416

<u>Subject</u>	<u>Year</u>	<u>Page</u>
North Miami, city of; liquor license, transfer fee; ordinance charging	1953	555
Northern Palm Beach water control district; incorporated municipalities within district; extension of municipal boundaries; effective dates of acts	1959	426
Northwest Florida regional housing authority See: HOUSING AUTHORITY, REGIONAL		
NOTARY PUBLIC		
Age requirement	1922	147
	1927	147
Aliens, eligibility for appointment	1933	583
	1947	627
	1951	215
Appointment		
Left to discretion of governor	1925	129
Legal residence requirements	1949	162
Prerequisite	1939	404
Qualifications	1941	125
Assumed name, use	1943	173
Blind person, eligibility to office	1955	154
Citizenship prerequisite	1943	172
Commission issued by mistake; cancellation	1947	132
County solicitors, administering oaths; information	1945	744
Divorcee to surrender commission and new commission issued in her maiden name	1939	406
Employees of veterans, commission; expenses incident to commissioning	1945	477
Endorsement of date for expiration of commission; form	1947	132
Failure to affix date commission expires, no penalty attached	1931	754
Fee of clerk of circuit court for approving bond	1947	133
Femme sole becomes femme covert prior to expiration of her commissions as such, procedure	1933	582
Filing of commission with clerk, not required	1909	79
Governor authorized to revoke commission	1929	173
Justice of peace, elected to office, eligible to hold both offices	1904	61
Law construed as to appointment and commission	1929	195
Legal married name required when woman is commissioned	1949	163
Licenses, writing of, in tax collector's office; fees	1933	582
Marriage ceremony, authority to perform	1949	62
Married		
Minor female; removal of nonage disabilities by judicial proceedings	1949	162
Women; commissions and bonds to be issued under real name	1939	405
Mayor-elect, oath; qualified to administer	1949	204
Minors		
Appointment; removal of disabilities	1943	173
Eligibility to hold office	1949	162
Married female, eligibility for appointment	1947	134
Not authorized to hold office	1933	582

<u>Subject</u>	<u>Year</u>	<u>Page</u>
NOTARY PUBLIC (cont.)		
Minors (cont.)		
Operators' and chauffeurs' license, authorized to charge fee for administering oaths to, application for	1939	404
Prosecuting attorney as, administration of oath to complaining witness, issuance of arrest warrant; legality	1957	30
Qualifications	1921	78
Reappointed; bond, requirement and approval	1905	188
Removal disabilities of youth	1929	409
Residence; legal requirement	1947	626
	1949	162
Retroactive issuance of commission; governor, without authority	1957	703
When femme sole becomes femme covert prior to expiration of her commission as notary public; procedure	1933	582
Wife to notarize husband's signature, authority	1947	132
NOTES		
See also: INSTRUMENTS; MORTGAGES; NEGOTIABLE INSTRUMENTS; PROMISSORY NOTES		
Rural electrification administration; documentary stamp tax, liability	1957	830
NOTICES		
See also: ADVERTISEMENTS; PUBLICATION		
Contract prices for advertising, basis for charge against taxpayer	1933	134
Creditors; small claims court, use of title; prohibited	1951	77
Insurance policy, cancellation clause; five days' written notice, requirements	1951	646
Motor vehicles; notice of lien; effect of recording after application for title made; commissioner, duty	1957	379
Newspapers		
Change of name and ownership, when entitled to publish legal notices	1933	581
Clerk not authorized to publish in own	1937	47
County commissioners authorized to select	1931	555
Eligibility to publish	1937	624
Place of publication; validity	1905	39
Printed within county to qualify for advertising	1933	138
Publication, when lawful	1931	826
Publication		
Charges	1927	169
Defined	1931	487
Designation of paper	1921	236
General	1909	67
	1931	877
	1905	39
Place of validity		
Special election See: ELECTIONS		
Rates fixed	1927	169
		198
Small claims court, service of notice, certified mail in lieu of registered mail	1955	221
		230

Subject	Year	Page
NOTICES (cont.)		
Tax deed, application	1933	119
NUISANCE		
Construction of law	1929	261
Justice of peace; abatement of public nuisance; authority	1957	485
Nurseries; exhibitions, amusements, etc., maintain within area; separate license requirement	1959	594
Nursery school; property held as site for; tax exempt	1959	649
NURSERY STOCK		
Classification and taxability	1945	297
Personal property, assessed	1931	687
Plant board, certificate of inspection, exemption of certain growers	1955	347
NURSERYMEN		
Certificate of inspection, fees	1955	508
Reports to plant board; confidential nature	1945	643
NURSES AND NURSING		
Age requirements	1943	404
Aliens		
Eligibility for license	1947	457
Immigrants; registration	1943	409
Temporary permits	1943	408
Anesthetics; administration by nurses; conditions	1947	455
Attorney, nurses, employment; qualifications	1935	494
Board of examiners		
Acceptance of transfer of students	1941	632
Additional fees; powers	1947	458
Alien; eligibility for registration	1947	459
Application and fees accepted from aliens; disposition	1947	459
Certificate of registration		
Eligibility of applicant	1945	575
Issuance; recording; reregistration	1945	574
Citizenship as prerequisite for license	1947	457
Compensation	1943	405
Counsel; payment from board's funds	1945	577
Diplomas		
Issuance; licenses	1943	407
Requirements	1941	636
Director of nursing education, employment; authority	1945	575
Educational director; appointment	1947	459
Employment of member	1945	730
Expenses	1943	407
Effect of five funds act	1945	576
Inspection expenses of members; payment	1943	409
Vouchers, requisitions; signatures	1943	407
Issuance of temporary permit to alien	1943	408
Members		
Duties	1941	634
Expenses	1941	633
Resignation; status pending appointment of successor	1945	577
Nonmembers; presence at meeting	1943	406
Powers and duties	1941	636
Quorum required	1943	406
Registration		
Fees; amount	1947	459
Requirements, enforcement	1935	495

Subject	Year	Page
NURSES AND NURSING (cont.)		
Board of examiners (cont.)		
Revocation of certificate	1939	302
Board of registration and nursing education		
Quorum	1951	581
School of nursing, accreditation fee not required	1951	581
Cadavers, loan to school of nursing by anatomical board; legality	1953	345
Certificates		
Renewal	1921	379
Fee	1941	635
Revocation	1939	302
County board not authorized to use school funds to employ nurse	1937	26
County school nurse, employment; expense contribution; commissioners, authority	1953	153
Doctor's office, employed in; practical nurses' licenses required	1951	581
Drugs, right to dispense	1941	657
Education scholarship, attendance at out-of-state school affiliated with Florida schools of nursing	1955	593
Examinations		
Age requirements	1943	404
Board of another state, under supervision	1941	635
Florida state board of nurses; authority	1949	453
Graduation requirements	1943	407
Nurses, for permit	1933	452
Quorum	1943	406
Special permit to applicant	1933	452
Fees; payment after discharge from military service	1943	408
Grandfather clause; registration certificate typed, new law	1951	581
Graduation, requirements	1943	407
Hospital superintendents, not required to be "registered nurses"	1933	452
License		
Issuance; prescribed training period	1943	407
Required to pay	1929	394
Trained nurse	1933	18
Unlawful to practice without	1929	266
Massage registration law; exemption	1945	599
Nurse, public health; when board county commissioners authorized to employ	1931	531
Physicians defined	1951	581
Practical		
Certificates recalled, renewed under new law; no charge	1951	581
Doctor's office, employed in; license required	1951	581
Examinations, qualification met, old law; additional fee, new law	1951	581
School nurse, employment	1951	390
School of nursing, accreditation fee not required	1951	581
Procedure for enforcing law	1929	266
Qualifications	1925	292
	1949	453
Registered		
Administration of drugs from hospital stock; legal requirements	1949	467
Citizen, Great Britain; naturalization; final certificate required	1949	452

<u>Subject</u>	<u>Year</u>	<u>Page</u>
NURSES AND NURSING (cont.)		
Registration		
Fee of \$10. 00 prevails	1933	453
Requirements	1919	120
	1937	305
Enforcement	1935	495
Scholarship program, establishment		
of; tuberculosis board, authority	1953	454
Training schools; inspection	1943	409
NURSING HOMES		
Defined	1953	521
Hotel and restaurant inspectors to		
inspect; authority	1953	522
Licenses, exemption of certain	1953	466
Rooming house; comparison and		
distinction	1953	521
State hotel commission; power	1949	469
Welfare board, supervision	1945	539

Subject	Year	Page	Subject	Year	Page
O A S I See: SOCIAL SECURITY			Obscene literature; injunctive powers		
OATHS			of court to prevent "threatened vio-		
See also: ELECTIONS			lation" of law re circumstances	1957	821
Absentee ballots; application;	1951	176	for officer seeking		
requirements	1951	121	Observation tower; expenditure of		
Candidates for office			county funds; county commissioners,	1957	327
Duty of secretary of state to cer-	1957	775	authority		
tify when oath is false	1951	120	Obstetrics; limitation on practice under		
Length of time to be preserved	1933	356	state's maternal and child care	1943	346
Primary election		358	plan		
Clerks in bureau of narcotics, ad-	1947	432	Occupational licenses See: LICENSES		
ministration by			AND LICENSE TAXES		
Commissioned naval officer; mar-	1949	568	Occupational therapy; narcotic pa-	1949	425
riage license; acknowledgment;	1951	97	tients; state prison officials; au-		
authority			thority to prescribe		
Elector's requirements	1933	60	OCEAN SHORE IMPROVEMENT DISTRICT		
Intangible personal property tax re-	1953	705	Bond trustees		
turn, required with	1925	364	Board of administration without		
Jurors; administering			authority to remit certain	1931	331
Liability for punishment if false			money		
Loyalty and anti-communist			Franchise, without authority to	1931	778
requirements	1949	592	grant	1933	171
County employees on casual			Refunding operations		
basis; jurors; election inspec-	1949	593	Tax funds, disposition; construction	1931	715
tors; special deputy sheriffs			of law in re		
County executive committee, ap-	1951	194	Ochlocknee river; submerged lands	1957	818
pointee; requirement			under; not within boundary of Forbes		
County judge and employees;	1949	593	purchase	1949	204
filing requirements			Ocoee, city of; mayor-elect; oath of		
County welfare fund recipients;	1949	594	office; notary public qualified	1937	190
not required	1949	595	Ocoee special tax school district; lia-		
Day laborers of state agencies	1949	596	bility for special assessment upon		
Elected officials; requirements			street improvement lien	1951	427
Election candidates, require-	1951	758	Odd Fellows lodge; junior order;		
ments	1949	595	student membership		
Harbor masters			Oelkers, Richard, Jr.; representative,	1949	84
Party committee; candidate for			Dade county; death, nomination of		
public office; filing require-	1949	595	successor		
ments			OFFICE OF PRICE ADMINISTRATION		
Paupers; pensioners; not re-	1949	592	Ceiling prices; application to sales	1945	437
quired		594	by state and its agencies	1941	376
Public officers, candidates, em-			Regulation of speed of trucks		
ployees; pensions, require-	1949	591	Rent controls; binding effect upon	1947	340
ments		592	state agencies		
		594	Right of hotels to evict undesirable	1945	607
		592	guests; effect of regulations		
Requirements; scope	1949	592	OFFICERS		
Special deputies; election			See also: COUNTY OFFICERS AND		
boards; inspectors	1949	122	EMPLOYEES; STATE OFFICERS		
		593	AND EMPLOYEES		
Subversive organizations, etc.,	1949	596	Allocation of money collected on	1933	195
ordinances; public activities			bonds	1949	592
Welfare fund recipients not re-	1949	594	Anti-communist oaths; required		
quired to file			Appointee to elective office holds	1917	469
Workmen's compensation, pay-	1949	595	until ensuing general election	1909	35
roll cases exempt			Appointive offices		
Mayor-elect, city of Ocoee; notary	1949	204	Appointment by governor; power to	1945	781
public qualified to administer			withdraw		
Personal property tax returns;	1947	206	Association membership dues; pay-	1945	257
necessity			ment		
Prosecuting attorney as notary public,			Automobiles purchased by; title	1957	465
administration of oath; complain-			registration		
ing witness; issuance of arrest	1957	30	Bar association dues as expense;	1957	497
warrant; legality	1925	358	not allowed		
Registering, required before			Bonding of officers by surety com-	1909	54
Tax collector, administration by	1904	61	panies		
without authority			Charges against	1917	151
Obscene and indecent pictures; what	1927	461	Affidavit as support	1917	222
constitute			Copy to be furnished		
			Commission		
			Cancellation, erroneous is-	1947	132
			suance		

Subject	Year	Page
OFFICERS (cont.)		
Commission (cont.)		
Everglades national park commissioners	1935	815
Issuance, oath, tax, etc.	1947	127
Compensation and term of, how affected by legislation	1917	418
Corporations; political contributions	1949	591
Dual jobs See: DUAL OFFICES		
Election See: ELECTIONS		
Examining board member; resignation; status pending appointment of successor	1945	577
Fees		
Search warrant, for issuance	1945	751
Suspension, during; computation	1947	155
Funds		
Collection, prompt payment	1919	185
Misappropriation, liability	1923	130
License tag, free; retired United States government officers not entitled to	1931	883
Local, should administer laws	1917	99
Loyalty oath		
Elected officials, requirements	1949	596
Public officers and employees, requirements	1949	591
		594
	1917	89
National guards		
Naval stores inspector; retirement; entitled credit; aggregate number years service	1949	167
Official		
Acts causing damage to citizens, liability	1917	165
Bonds, surety on; withdrawal	1905	47
Opening of prisoners' mail, when authorized	1929	403
Political activities prohibited	1949	119
Purchases from concerns in which interested; legality	1945	731
Records, by whom furnished	1921	310
Registrants, taking blank affidavits for	1917	133
Registration officer	1909	61
Reserve officers' training without loss of pay	1947	129
Retirement systems See: RETIREMENT SYSTEMS		
Rewards for capturing convicts	1917	336
		405
Right of officeholder to be candidate for another office	1947	119
Salaries		
Appropriation bill, construction of in re	1931	357
Assignment of; issuance of state warrant to assignee prohibited	1953	125
Effective statute	1935	776
Fixed by statute, not to conflict	1933	379
Power of budget commission to alter	1945	595
Sick leave; effect upon retirement rights	1945	207
Special officer; authority of court to appoint	1945	153
State officers and employees retirement system See: RETIREMENT SYSTEMS		
Suit, method of bringing on official bond	1937	46
Sureties on bond for former officers, liability	1917	155

Subject	Year	Page
OFFICERS (cont.)		
Surety bonds issued by mutual companies, acceptance	1945	668
Suspension and removal		
Effect of suspension upon retirement benefits	1945	203
Governor, by		
Authority under certain conditions	1927	297
During session of senate	1943	97
Procedure	1945	218
Resumption of official duties after; compensation	1955	127
Suspension not concurred in by senate; payment of salary	1945	365
Term of office; appointed to vacancy in elective office		
	1909	90
		91
	1935	222
		224
Traveling expenses, charging for while at place of residence	1917	163
Unexpired term		
Application of constitution	1931	1050
Assumption of office upon, qualifying by person elected to fill; authority	1917	229
United States army; when exempt from payment automobile license tax	1931	352
Witness fees and mileage, not entitled to under criminal procedure act	1939	88
Women; eligibility for appointment to office	1917	230
Officers and enlisted men See: MILITARY FORCES		
Officers' clubs; excise tax on liquor, not subject to when located on government property	1937	233
OFFICES		
Abandoning office	1919	128
Appointment of legislator	1923	66
County, when deemed vacant	1925	81
Qualifications to hold	1919	299
Right of women to hold	1909	84
Salary when based on population, census	1915	257
Terms of, in filling vacancies	1909	90
		91
Vacancy		
Election required for filling	1917	168
When deemed	1927	396
Vacation by change of residence	1915	269
Offshore islands; bulkhead lines, establishment of, as prerequisite to sale of sovereignty offshore areas; requirement	1959	342
Oil and gas See: GAS AND OIL		
Oil and gas lease See: LEASES		
Oil and mineral rights See: MINERAL AND PETROLEUM RIGHTS; GAS AND OIL		
Oil wells See: GAS AND OIL WELLS		
OKALOOSA COUNTY		
County commissioners		
Compensation	1955	239
Districts; effect of special census on redistricting	1957	366
County judge; compensation; special population act, effect	1957	129
Fishing regulations as to mullet	1933	505

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
OKALOOSA COUNTY (cont.)			Old Confederate Soldiers' and Sailors' Home; suggested use	1937	628
Former county officials; recovery of amounts alleged to be owed; procedure	1957	710	Old Plantation water control district; bond election; time for registration	1947	117
Hospital; laboratory service to patients of chiropractors prohibited	1957	801	Old Soldiers' and Sailors' Home; appropriation	1933	386
Justice of peace, effect of special census to jurisdiction	1957	366	OLEOMARGARINE		
Purchase of real property, garage or storage space; commissioners, authority	1957	396	Coloring; importation, manufacture, sale	1943	426
Registration of electors; local option election	1947	506	School lunchrooms	1943	429
Salary county superintendent of public instruction	1939	67	Oliver, L. S.; word "appropriate" in relief act necessary	1937	13
School board			Opa Locka, city of; naval air station; civilian tenants; no right of tax collector; permit required	1949	231
Certificates of indebtedness	1933	129			246
Share of racing fund; rights	1945	248	Opera houses; license tax, requirement	1905	148
Supervisor of registration; compensation to district officers	1947	66	Optical lenses; insurance, propriety of plan affording coverage to replace; legality	1957	203
Okaloosa county gas district; officers and employees; state and county retirement system; eligibility	1955	692	OPTICIANS, DISPENSING		
Okeechobee, city of; municipal street; state road; cigarette tax funds, use	1949	278	Disabled veterans; fees; exemptions	1949	268
OKEECHOBEE COUNTY			Employees of, preparing glasses; occupational license not required	1953	509
Aged and indigent citizens' home; county commissioners; authority	1949	201	Law of 1927 does not affect, when business already established	1927	254
Bonds, payment from 1932 levy	1933	167	Licenses		
Bulldozer, purchase of in cooperation with city of Okeechobee, authorized	1953	138	Applicants for examination; qualifications	1949	466
Chamber of commerce; funds for advertising	1949	169	General	1933	19
Commissions due tax assessor under mandamus writ	1933	222	More than one place of business; liability	1953	508
Compensation; prosecuting attorney; fees	1949	99	Prescriptions by nonresident optometrists	1943	403
		182	State board members; investigator; employment authorized	1949	578
County employees, less than six months employment; vacations, granting	1953	138	Options; documentary stamp tax, not subject to	1933	46
Retired county employee; rendering professional services; eligibility under retirement system	1953	138	OPTOMETRISTS		
Tax collector; commissions; effect of general and special acts	1943	213	Board of optometry		
OKEECHOBEE FLOOD CONTROL DISTRICT			Attorney may be employed	1925	297
Coordinator, employment; authority	1939	408	Certificate, when may be granted without examination	1925	295
Resolution, meeting for approval necessary	1937	362			296
Salaries, engineers and attorneys	1937	362	Counsel, without authority to employ in certain cases	1927	254
Taxes; interest required to be paid	1931	703	License to practice, without authority to issue without examination	1933	456
Temporary loans of fund to Everglades drainage district, authority of commissioners to make	1929	259	Members		
Old age and survivor's insurance See: SOCIAL SECURITY			Eligibility after retirement from practice	1923	205
OLD AGE ASSISTANCE			Traveling expenses	1943	404
See also: WELFARE			Provision of law, without authority to override	1925	295
Aliens, welfare board not authorized to exclude from rolls	1939	427	Revocation of licenses	1925	258
Appropriation; amount; source	1945	544	Semi-official opinion	1923	205
Federal grant for aid, increase; effect on maximum allowances	1951	536	Branch offices, permits for; validity of rule of state board	1947	471
Funds; appropriation; amount; source	1945	544	Certification of persons as being blind, eligibility for state assistance	1957	84
Husband, support, by resources of wife; state board regulations	1953	467	Contact lenses, fitting of; eligibility	1957	84
Maximum allowance; effect of increased federal grant	1945	547	Diagnosis or treatment of ocular disease; extent permitted	1959	50
State welfare board; payment by comptroller	1943	372	Drugs and performance of surgery, administration of; eligibility	1957	84
Warrants; cancellation, reissuance	1943	373	Employees of, preparing glasses; occupational license not required	1953	509
			Examination	1933	456
			Discretion of board; failure to pass requirement	1949	452
			Limited; authority	1931	414
			False and misleading advertising for eye care by National Medical Foundation	1959	50

Subject	Year	Page
OPTOMETRISTS (cont.)		
Injured workmen, examination of for disability; eligibility	1957	84
Licensed optometrist may be employed by corporation	1931	415
Licenses; revocation upon conviction of felony	1943	402
Narcotic drugs, prescribing; state of Florida	1949	415
Opticians with established business not affected by optometry law	1927	254
Orthoptic treatment for eye conditions, use; eligibility	1957	84
Osteopaths, right to practice	1927	256
Peddling spectacles or eye glasses from house to house, unlawful	1929	271
Practice		
Jewelry stores, permitted while employees, etc.	1933	456
Lay organization, in connection	1941	630
Prescription for lenses		
Naturopathic physicians	1943	402
Nonresidents	1943	403
School children, examination for state assistance; eligibility	1957	84
Violations of act, state should prosecute	1931	415
Orange Blossom classic; exclusive use of name for football game	1949	328
ORANGE COUNTY		
Airport, acquisition of real property for; conditional gift; legality of acceptance	1959	372
Bond elections; freeholders; qualifications to register	1949	146
Budget commission, may control levy for all funds	1933	147
Committing magistrate; court to which minor is to be bound	1947	437
Criminal court of record		
Conviction under child molester law; commitment to state hospital	1953	644
Form of information	1949	76
Judge, injunctive power; without jurisdiction	1959	472
Fish traps, use	1919	294
Juvenile court		
Jurisdiction	1947	436
Special master, referral of cases to; judge, without authority	1959	420
License tax, local act exempting from; validity	1945	357
Permanent single registration system; purging list	1949	82
Probation officer; appointment; constitutionality of statute	1945	548
Registration		
Notice by supervisor of registration	1949	103
Writing in; registrant's appearance; changes in name or party affiliation	1949	131
Resolution; school bond issue; regulations	1949	310
School boards; teachers' supplementary contract proposals; salary increase; validity	1951	402
School budget; submission to county budget commission; time	1945	423
State tuberculosis board; admission of patients, expenses; county responsibility	1953	457

Subject	Year	Page
ORANGE COUNTY (cont.)		
Tax collector; vacancy; special primary election; democratic executive committee; notice	1949	136 137 141
Teachers' tenure act, submission to electors	1945	175
Tuberculosis sanatorium; naturalized wife of Florida resident entitled admission	1949	419
Orange state bond and mortgage company; insurance business; definition	1941	716
Orchids; possession or growing of; legality	1953	675
Orders; clerk circuit court to record	1919	293
Ordinances See: MUNICIPALITIES		
Orlando, city of; police officers and firemen; same rank; compensation rates	1959	362
Orlando Osteopathic Hospital, Inc.; ad valorem taxes; exempt	1949	224
Orlando state bank; tax assessment	1925	372
Orlando utilities commission; property located in Brevard county for municipal purposes; or for sale or inactive status, etc., ad valorem tax situs	1957	696
Orphan; commitment by county judge to corporation organized for purpose of caring for such children; authority	1933	632
OSCEOLA COUNTY		
Bridges, fire insurance upon	1951	496
County commissioners; aerial survey; authority purchase maps	1949	187
Fishing, licenses	1941	490
Indebtedness Atlantic-Gulf special road and bridge district; apportionment	1941	444
Justices of the peace; trial, jurisdiction	1949	67
Private contractor; bids	1949	393
Refunding bonds, payment of charges of paying bank by board of administration	1941	453
OSTEOPATHY		
Annual educational meeting; cancellation; effect	1945	568
Board of examiners		
Members		
Appointment, qualifications	1941	616
Compensation	1953	489
Expenses; appropriation	1949	451
Judicial circuit, no two from same	1925	255
College of osteopathy; definition	1941	616
Dangerous drugs; authority to prescribe	1945	604
Examinations		
Basic science board, certificate from, to be furnished by applicant	1939	319
United States citizenship requirement for taking	1937	364
Hospital		
Privileges, osteopathic surgeons and physicians	1941	621
Service plans; services	1947	562
	1951	683
Licenses	1943	400
Exchange without certificate of proficiency	1941	620

Subject	Year	Page	Subject	Year	Page
OSTEOPATHY (cont.)			OYSTERS (cont.)		
Licenses (cont.)			Oyster bottoms, leases (cont.)		
Fees, disposition	1941	618	Applications for	1931	392
		619	Cultivating for growing	1931	390
Nonresident physicians, recording by clerk of circuit court of some county in state required	1927	256	Grants made prior to act of 1913, chapter 6532, status of	1913	129
Recording by clerk of circuit court; requirements	1927	255	Privilege tax, legal procedure to collect	1937	288
Requirement for practice	1939	321	Residents of other states	1913	137
Suspension, procedure	1945	568	Rules and regulations, power to adopt	1949	408
Temporary for duration of war	1943	400	Termination after default by lessee	1945	509
Osteopathic physicians			Oyster conservation commission; members; four-year term	1949	410
Basic sciences, certificate of proficiency required for licensing	1939	321	Oyster conservation fund; culture work; shellfish appropriations	1949	413
Health certificates, issuance	1941	617	Planting, county commissioners of Levy county authorized to assist in paying for	1937	56
Marriage license; eligibility to sign health certificate	1947	579	Rehabilitation near Cedar Keys	1937	287
Optometry, right to practice	1927	256	Right to take; time, places	1945	518
Practice; law construed	1929	268	Sanitary regulations	1925	265
Rank and grade equal with other physicians under law	1929	418	Severance tax; amount	1945	518
Registration with state board of health required	1927	255	Shell fish privilege tax to be used as planting fund	1937	588
Status	1929	418	Shells		
Title M. D., right to use	1931	422	Disposition, when not within purview of conservation department	1937	285
Professional examining service; use by medical examiners prohibited	1959	64	Return to natural reef, when authorized	1937	289
Outdoor advertisements See: ADVERTISEMENTS					290
Outdoor theaters See: THEATERS			Sale of by state; disposition of proceeds	1947	363
Overseas highways See: ROADS AND BRIDGES			Taking, commissioner of agriculture authorized to prevent	1937	287
OVERSEAS ROAD AND TOLL BRIDGE DISTRICT					
Commission members; dual office	1943	257			
Member of senate	1937	464			
Employee; eligibility for retirement under state officers and employees' retirement system	1947	125			
Funds					
Deposit; security	1943	105			
Public, expenditure; without authority	1937	365			
Publicity, expenditure for; authority	1949	394			
Oviédo, city of; cigarette tax moneys; city hall; jail; construction	1949	277			
OYSTERS					
Closed season					
Taking and transporting during	1937	285			
Transportation during, local and out-of-state products	1935	653			
Condemned area, arrest for taking and selling on	1937	284			
Coon					
Picking and harvesting, when permitted	1939	329			
Regulations	1941	497			
Culling, when on natural reef, required	1937	289			
		290			
Culture, county commissioners may appropriate money	1913	141			
Licenses					
Canning factory	1913	138			
Requirements other than imposed by chapter 332	1913	132			
Resale	1913	134			
Serving with meals, where	1915	261			
Oyster bottoms, leases	1921	206			
		208			

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
Paint manufacturing plants; entitled to exemption	1931	705	PARENT-TEACHERS ASSOCIATION (cont.)		
Painters; occupational license tax required	1931	856	Projects for profit; accounting of funds	1947	305
PALM BEACH COUNTY			Property belonging to; subject to taxation	1929	372
Beverage license; determination	1943	441	School lunch program funds; accounting	1947	305
Clerk of criminal court of record; time for candidate to qualify	1947	51	Superintendent of public instruction books, audit; by request	1951	379
Criminal court of record, absence of official court reporter; appointment of acting court reporter; legality	1959	676	PARENTS		
Elections			Consent; marriage of minors	1935	798
Electors, registration; controlling law	1947	68	Foster parents, tort liability of	1959	710
Registration books, time for opening	1951	115	Indigent; children required to support	1929	393
Special primary; sale of liquor during	1951	201	Needy parents outside state, action against Florida resident for support	1957	313
F. I. C. bonds; not acceptable as deposits	1949	556	Pari-mutuel pool See: RACING		
Judgment, purchase by board of administration as investment	1941	453	PARKING		
Lake Okeechobee within boundary	1933	498	Meters, installation; state highways, connecting link, municipalities; authority	1949	380
School board members' compensation; special federal census, effect	1955	125	No-parking signs, state highway, state road department; authority	1957	559
Spear fishing equipment; confiscated or forfeited in cases of arrest and conviction	1955	844	Private lots, criminal trespass; violation	1953	649
Special census; effect on population laws	1943	192	Spaces on school property; construction; county commissioners, authority	1957	110
Statutes applicable to county court and criminal court of record	1949	53	PARKS		
Supervisor of registration, duties	1945	165	See also: PARKS AND HISTORIC MEMORIALS, BOARD OF		
Tax collector; signature	1933	143	Dedicated area as park for use of property owners of subdivision, tax situs	1957	20
Palm Beach county water control district; tax collector and assessor; service in connection with; compensation; commission not part of office income	1959	459	State		
Palm Beach greyhound association; bond approved	1931	443	Municipal zoning regulations; lands within municipal boundary	1953	570
Palm City drainage district; assessments; separate tax roll required	1949	345	Patrons, liability of state agency for injuries	1941	707
Palmetto, city of; refunding plan authorized	1939	297	Policing by municipal officers, authority	1959	665
PAMPHILETS			Survey by legislative committee; payment of expenses	1947	523
Geological survey division; disposition of funds received from sale of	1949	409	PARKS AND HISTORIC MEMORIALS, BOARD OF		
Placing in motor vehicles along highway; legality	1949	350	Appropriations; preservation	1949	509
Pan American airways; tax on gasoline purchased or stored	1933	71	Board of forestry and parks; acquisition of property	1949	509
Paper matches; manufacturers not exempt from taxation under article IX, constitution	1933	89	Expenses limited	1949	509
Paper mill; conservation department not authorized to obtain permit to erect	1937	296	Florida improvement commission; self-liquidation plan; development program; administration	1949	510
Parades; hooded gowns, wearing; Tampa civitan club; permissible	1951	757	Golf club house; eligible for coverage; state fire insurance fund	1949	340
Paradise Island; submerged lands, dredging and filling without specific authority; effect	1957	86	Grazing leases; granting	1951	635
Pardon See: PAROLE OR PARDON			Legislative appropriation; expenditures; limit	1949	509
PARENT-TEACHERS ASSOCIATION			Property acquired for historic park	1949	509
Cafeterias operated by; employees entitled benefits workmen's compensation	1949	305	Parochial schools; school bus drivers; independent contracts for transportation of students; legality	1953	327
Funds; accounting	1947	306	Parole commission See: PAROLE OR PARDON		
			PAROLE OR PARDON		
			See also: CONVICTS; PROBATION		
			Child molester law, conviction and sentence under; jurisdiction	1953	645
			Eligibility for parole	1943	506
			Federal court conviction; income tax fraud; restoration civil rights	1949	625

Subject	Year	Page
PAROLE OR PARDON (cont.)		
Fees; releases; indigent parolees; prisoners	1949	629
Funds, requirement of parolee	1947	612
Pardon board		
Child convict; transfer to industrial school for boys	1945	549
Civil rights restoration	1943	506
	1945	167
Felons	1951	101
Convicted in foreign state; no authority	1951	785
Persons convicted by out-of-state court or United States court; authority	1955	721
Commutation of sentences		
Authority	1943	503
Conditional; breach of condition	1945	748
Conditional pardons and paroles; supervision	1945	757
Convict not entitled to credit from prison sentence for jail time served	1939	534
Fine; payment prior to parole	1943	507
Fines; power to commute	1923	213
Gain time approval to state prisoners, concurrence of pardon board	1959	167
Inmates of industrial school, authority	1917	402
Juveniles, commutation from prison to industrial school	1917	405
Pardons		
Applicants; record required	1935	573
Application for; procedure	1945	167
Civil contempt; board without authority to grant	1949	623
Conditional		
Effect on bond	1927	290
Habeas corpus; arrest for violation	1905	163
Full and unconditional; restoration of civil rights	1927	413
Partial or limited	1943	506
Paroles		
Reform school, inmates	1913	171
Release from parole; powers	1949	625
Restoration of civil rights	1943	505
Revocation; power	1943	508
Parole commission		
Child molester cases; jurisdiction	1951	724
Civil rights, loss and restoration in felony convictions	1941	784
Clerk's fee in connection with commitment papers furnished to	1959	106
Court records, duty of clerks to furnish	1941	788
Delinquent parolee, foreign state, arrest; authority	1953	718
Deposit of funds by parolee as condition of parole	1947	612
Duties; probationers only	1949	623
Employees, residence requirement; exception	1955	770
Fine; payment prior to parole	1943	507
Gain time		
Computation	1947	612
Loss on parole violation	1941	785
Indeterminate sentence to county jail; summary and progress reports on prisoner; furnishing	1959	642

Subject	Year	Page
PAROLE OR PARDON (cont.)		
Parole commission (cont.)		
Nonresident parolees; arrest by Florida officers; compacts with other states	1947	610
Pardons; termination conditions; supervision; restoration to civil rights	1943	505
Parole period; revocation of parole after expiration	1945	759
Parole served, discharged from imprisonment under prior sentence; parole revoked; sentence resumed	1959	323
Parolees and probationers under federal jurisdiction; exemptions	1957	359
Powers		
Conflict in numbering of constitutional amendments; effect	1945	779
Parole supervisors; appointment	1945	759
Supervision of persons granted conditional pardons or paroles by state pardon board	1945	757
Prisoners		
Absent from state prison on escape; authority of commission to grant parole	1959	240
Citizenship	1941	789
Eligibility for parole	1941	788
Probation when charged with maximum penalty; eligibility	1941	790
Probation and parole officer; Polk county; appointed by governor; no authority over	1945	758
Revocation of parole; hearings; sheriff's fees	1943	118
Revoked nonresident drivers' licenses; jurisdiction of appeal; restoration	1941	412
Supervisors		
Appointment; salary and expenses	1941	787
Arrest of parole violators without warrant	1945	756
Residence requirements	1945	757
Uniform acts; out-of-state supervision; interstate extradition acts	1943	508
Parole violation		
Arrest upon telegraphic request	1945	125
Arrested parole violators; duty of sheriff to hold	1945	756
Revocation after expiration of parole period	1945	759
Parolee		
Delinquent; arrest; authority of parole commission	1953	718
Supervision out-of-state	1943	508
Release for military service	1943	510
Self-injury loss of gain time	1943	514
Sentences, consecutive and concurrent	1941	777
Supervision of persons granted conditional pardons or paroles	1945	757
Termination conditions; supervision; restoration of civil rights	1943	505
Unlawful sentence by court	1923	75
Parsonages; utility services furnished by municipalities to; tax exemption	1957	303

Subject	Year	Page
Parties See: ELECTIONS		
PARTNERSHIPS		
See also: LIMITED PARTNERSHIPS		
Bank loans to, in which directors are interested; subject to certain limitations	1959	646
Between husband and wife; elements necessary to determine	1957	912
Endorsement of state warrants; method	1945	725
Fictitious name statute		
Proper names	1949	457
Registration	1945	735
Foreign; qualification with secretary of state, requirements	1951	754
Homestead exemptions	1947	617
Interest in; subject to intangible personal property tax	1957	912
Licenses		
Exemption	1947	271
Issuance	1925	323
Liability of each member	1915	248
Limited		
Certificate of authority		
Issuance; requirements	1949	516
Termination; status	1949	517
Composition; statutory requirements	1947	528
Corporation as; legality	1955	631
Homestead exemptions; extent of exemptions	1951	642
Registration; necessity	1945	735
Requirements	1945	663
Measure of value of interest in; net worth of share	1957	912
Taxation of partnership interest	1947	526
Party executive committees See:		
ELECTIONS		
PASCO COUNTY		
County commissioners; election districts; changes	1949	95
Court of record		
Judge		
Appointment; term	1945	219
Attorney for county commissioners, may act as	1949	51
Time and place for candidates to qualify	1947	94
Solicitor		
Appointment; term	1945	219
Time and place for candidates to qualify	1947	94
Elections		
Primary; independent electors, registration; eligibility	1951	117
Reregistration of electors, etc.	1947	57
		69
School district bond election; registration of electors	1947	114
Franchise; water distribution system; county commissioners, authority to grant	1949	176
Hospital bond; freeholders; certified list; statutes applicable to election	1949	151
Interest coupons on bonds		
Collection	1939	297
Payment by board of administration	1941	454
Justice of peace		
Criminal jurisdiction	1949	61
		62
Trial jurisdiction	1947	37
New school board members; appointment; compensation	1947	285

Subject	Year	Page
PASCO COUNTY (cont.)		
Race track funds; distribution	1939	555
	1941	686
Refunding bonds; charges of paying bank; payment	1941	455
Voting rights; lands transferred from Polk county; residents	1949	96
Patents; royalties; intangible tax	1947	241
PATIENTS		
Escapee; tuberculosis sanatorium; responsibility for return	1949	420
Tubercular See: TUBERCULOSIS		
HOSPITALS		
Patrol stations; ad valorem taxation, liability	1953	407
PAUPERS		
See also: INDIGENT OR AGED		
PERSONS		
Burial expenses	1931	570
Loyalty oaths; chapter 25046, acts 1949 not applicable	1949	592
		594
Payroll deductions; county officers and employees; county expense, county commissioners, authority	1957	41
PEACE BONDS		
See also: BONDS		
County judges; issuance in justice districts; authority	1949	64
Justice of peace		
Forfeiture	1949	73
Issuance; entitled to costs	1939	48
Violations of terms and conditions; powers	1955	92
PEACE OFFICERS		
Accidents; reckless driving, charges; authority	1951	454
Arrests, nonresident counties, jurisdiction	1951	769
Dog boy (state prisoner), assistance; escapees, capture; use	1951	789
Municipal police officers See:		
MUNICIPALITIES		
Peace river valley water conservation and drainage district; taxation, levy and collection; fees and commissions of certain county officials	1959	370
Peat; metals or minerals, not defined as	1953	353
PEDDLERS		
See also: LICENSES AND LICENSE TAXES; MUNICIPALITIES; TAXATION		
Definition	1919	291
	1927	354
Fish license; liability	1937	568
Interstate commerce	1935	18
License requirement	1905	68
License		
Exemption	1917	100
	1933	7
Permit to peddle; governor not to grant without	1917	102
Requirements	1905	206
	1929	202
Construction of proviso re	1959	540
Wholesale and retail; requirements	1937	569
Merchandise, license tax	1933	36
Municipal powers	1935	696
Pedicurists; permits	1943	420
Penalties See: FINES AND PENALTIES		
Penalty; for false oath; qualification of elector See: ELECTIONS		
Peninsular life insurance company		
See: INSURANCE		

Subject	Year	Page
Pennsylvania turnpike revenue bonds; securities, as exempt within purview of law	1953	526
Pensacola bay bridge; beverage department supervisors, not required to give free passage to	1937	227
PENSACOLA, CITY OF		
Conveyance of certain property to state board of health without reversion provision; authority	1947	414
Granting additional powers to; interpretation of law	1933	537
School bonds	1933	460
Violations, state laws; arrests by police officers; liability, false imprisonment	1949	601
Pensacola junior college; change of location; use of capital outlay funds; legal requirements; restrictions	1957	682
PENSIONS		
See also: Firemen's relief and pension fund under MUNICIPALITIES		
Applications		
Merits or demerits	1905	49
Mrs. Ida Hale	1907	119
Assistant state service officer; exclusive representation not allowed	1949	342
Beneficiary, effect of death under relief act	1933	585
Blind and helpless, no pension relief	1935	729
Board of pensions; members; duties	1905	49
Checks not cashed before death; recall	1935	583
Confederate		
Crippled children	1935	730
Darwin Branch Givens, law retroactive	1941	367
Deceased; estate; payment	1943	306
Eligibility	1905	175
Incompetency; warrant to guardian or curator	1949	342
Renewal after absence from state; application and payment	1945	474
Soldier's widow; eligibility	1945	474
Remarriage	1943	306
Death of pensioner; balance due	1933	586
Deceased pensioner; request form for pension due estate	1937	626
Department of public safety; widow of pensioner; rights	1951	479
Effective date of increase	1937	625
Employees' plan, assets; intangible tax	1945	325
Endorsement of warrant	1935	727
Families of murder victims; legislative provision	1939	49
Firemen's relief and pension fund		
Municipalities; participation	1939	130
Repeal of municipal ordinance creating fund; effect	1939	548
Termination of employment; refunds	1951	549
Loyalty and anticomunist oaths not required of recipients	1949	267
Old age	1935	592
Pensioner's proof; home guards	1935	726
Person designated by deceased to receive	1909	43
	1939	550

Subject	Year	Page
PENSIONS (cont.)		
Public safety, department of; retired member, reemployment; benefits	1953	404
Reserve companies; home guard; eligibility	1933	587
Residents	1935	730
Revocation; authority of comptroller	1933	586
Special act	1935	728
State officers and employees; applicability	1937	465
Statute; construction	1907	121
Teachers		124
Chapter 18045; applicability	1935	425
Former; special pension for; fund from which payable	1937	177
Fund from which pension paid	1947	628
Increase; Francis U. Clayton; Hattie Mayo	1943	275
Owners of property or income; not entitled to	1949	301
Retirement pay; conviction for felony not grounds for denying	1933	397
Widows	1949	318
	1941	273
	1943	271
	1945	402
Warrant; issuance to person designated only; procedure and endorsement	1939	551
Widows of pensioners; eligibility after remarriage	1937	624
		625
PEONAGE		
Conviction for; procedure	1923	221
Phosphate mines; condition	1919	90
PER DIEM		
See also: TRAVEL EXPENSES		
Barbers' sanitary commission, members	1953	499
Citrus commission; officers and employees	1955	635
Constable	1933	272
County commissioners	1933	212
Florida water resources study commission, travel and per diem allowances, payment	1955	698
Members of state legislature during extended adjournment; travel expenses	1955	307
Witnesses, out-of-state; allowance	1951	784
PERJURY		
Civil rights restored; jurors; competency to sit on jury	1949	74
Driver's license examiner; false attestation on application for learner's permit; perjury charges	1957	292
Witnesses testifying before assistant county solicitors	1949	51
Permanent registration system See: ELECTIONS		
Permanent residents See: RESIDENCE		
PERMIT		
Corporation doing business in Florida; permit of secretary of state required	1933	551
Foreign corporations having same name	1943	462
Fortune tellers practicing without; whether violative of licensing laws	1959	370
Plumbing permit required for installation in residence by owner	1959	263

Subject	Year	Page
PERMIT (cont.)		
Race track		
Amendment; authority	1933	442
Application; time for making	1933	448
Board has no discretion in granting	1931	449
Not transferable	1933	442
Requirements	1923	91
Wholesale seafood dealers; package seafood; number requirements	1949	412
Perry, city of; municipal bonds; issuance for waterworks system; validity	1905	51
PERSONAL PROPERTY		
See also: TAXATION		
Conditional sales contract subject to execution	1957	48
County commissioners, no right to bid on or purchase from board	1929	324
County owned, sale; bids, not required	1951	230
Damages; persons arrested; sheriffs; responsibility	1949	43
Derelict or wrecked; disposition	1927	446
Estates by entirety; investment in credit unions; requirement	1953	633
Evidence, to be used as; replevin	1951	88
Funds derived from sale of state personal property; disposition	1957	844
Head of family; exemption	1953	310
Insurance by owner; transaction with nonadmitted insurer; violation	1949	533
Land trusts, interest of beneficiary in this state; nature of, etc.	1955	828
Obtaining by fraudulent promise to perform services	1945	732
		733
Poll tax; collection	1929	378
Property tax exemption to disabled veterans; construction of law	1929	180
Receivership		
Lower valuation, not subject	1933	127
Property in the hands of, for nonpayment of taxes; tax collector without authority to sell	1933	124
Registration fee, exemption while in military service	1941	637
Removal from state while under retain title contract; application of statute	1931	586
Sale of; levied upon under judgment; proof of publication; requirements	1951	85
Sales tax		
Liens; homestead exemptions; legality	1951	340
Warrant; execution against; estate by entireties	1951	339
School bus, injury to; prosecution	1953	651
Unclaimed; disposition	1957	187
United States; lost; payment, general expenses of military department	1949	331
Vendee's interest in; subject to execution	1957	48
Windows designated and sold	1931	697
Personal representative; foreign, delivery of decedent's bank account, legality	1959	21
PEST CONTROL		
See also: STRUCTURAL PEST CONTROL		
Operators; regulation by proposed law; constitutionality	1945	86

Subject	Year	Page
Pests; bureau of entomology; authority to enter private property to eradicate	1939	410
Petit jury See: JURY		
Petree memorial school; exceptional children; operation, county tax fund	1951	361
Petroleum products See: GASOLINE; LIQUEFIED PETROLEUM GAS; GAS AND OIL		
PHARMACISTS		
Board of pharmacy		
Appropriation; approval of requisitions	1945	578
Certificates issued; fees	1904	46
Contract, authority to execute	1943	284
Examinations; validity	1949	456
Member, dual appointment to merit system council	1941	519
Reciprocity with other states; suspension; powers	1947	460
Registration certificates		
Revocation not authorized	1937	371
Suspension or revocation	1945	579
Sundry stores operating as drug stores, regulation of; authority	1953	494
Employment by nonprofit hospital corporation; license taxes, exemption	1955	120
Examinations		
Apprenticeship and age limit	1949	454
Eligibility requirements	1949	455
Nonresidents; qualifications	1949	456
Florida pharmacy act; regulations applicable	1949	454
Lapsed registration; eligibility	1949	457
Registered		
Compounding drugs	1935	479
Drug store employing, must pay license to state board of health	1933	23
Registration		
Fee		
Drug store and pharmacy	1931	422
Exemption while in military service	1941	637
Without examination; certain exemption	1904	78
Retail store selling sundries; sign advertising medicines unlawful	1949	454
Sundries and medicines; advertisement, wholesale drug houses	1949	454
		455
Phonograph records; public use for profit; royalty required	1937	626
PHOSPHATE		
Fertilizer inspection fee; when subject to	1915	199
Mining		
Navigable waters; payment of certain fees per ton	1905	200
Public waters	1909	63
PHOTOGRAPHERS		
Board of examiners		
Affairs; disposition	1945	597
Functions; use of funds in connection with litigation	1945	596
Funds; disposition	1943	422
Law held unconstitutional by circuit court; effect	1945	596
Itinerant		
License		
Requirements	1939	485
Validity	1951	259

Subject	Year	Page
PHOTOGRAPHERS (cont.)		
License inspectors; compensation	1943	422
Photostat machines; county commissioners have authority to buy	1933	207
Phrenologists; licenses, occupational tax	1941	227
PHYSICAL THERAPISTS		
Examination	1951	591
Laboratory services, board of health	1941	516
Licenses; procedure to procure	1941	612
Nonresident, registration	1951	591
Occupational license, issuance; requirements	1953	287
	1955	463
Refund; application fee	1951	591
Registration, methods	1951	591
Physically handicapped persons; occupational licenses; exemption	1951	323
		326
		328
PHYSICIANS AND SURGEONS		
Appointment of eclectic instead of allopath; governor without authority	1939	316
Autopsy; payment by county commissioners	1945	243
Chief physician; Florida state hospital; medical staff; malpractice; responsibility	1949	422
Chiropody; approval of foot appliances	1947	454
Chiropractic	1935	587
Removal of tonsils; electrical short wave diathermy; prohibited	1951	579
Conviction, when does not disqualify	1931	998
Coroner's jury, when summoned by, entitled to witness fee and mileage	1927	377
County school superintendent; eligibility to serve	1947	300
Death certificate, when authorized to sign	1927	443
Definition		
Certification of nurses	1951	581
Insurance contract; chiropractors	1945	556
Use of title, doctor, in trade name	1945	567
Dentist, practice of medical anesthesia by, without license issued by medical board; prohibited	1959	13
Drug addicts; information to hospitals; bureau of narcotics	1949	424
		467
Drugs; hospital stock; written prescription; administration by nurses	1949	467
Eclectic examining board, certain physicians entitled to license	1927	252
Employment by county commissioners	1941	131
Examinations		
Applicants		
Fee; refund	1955	749
Limitation on number; authority of board of medical examiners	1955	591
Commissioned medical officers in United States army and navy	1935	478
Special; authority of board of medical examiners to hold	1929	269

Subject	Year	Page
PHYSICIANS AND SURGEONS (cont.)		
Fees		
Autopsy, coroner's inquest; payment	1951	783
Welfare department, salary restriction clause; effect	1951	536
First aid stations; liability for treatment of injured	1941	341
Health certificates		
Issuance to hotel employees	1939	541
Marriage license	1947	580
Signing; eligibility of osteopaths, chiropractors or naturopaths	1947	579
Signing; competency	1929	268
Hospital service plans; services of osteopaths	1947	562
	1951	683
Incompetency proceedings; examining committee, compensation; effect of amendment	1953	450
Industrial school for boys; nonresident physician, employment	1955	459
Insurance contracts; chiropractors included	1949	554
Licenses		
Eclectic, when entitled to practice	1927	252
Emergency; governor, no authority to issue	1949	451
Liability	1917	93
Municipal	1915	304
Qualifications	1927	252
	1933	460
Recording in another county; when necessary	1927	248
Revocation; reinstatement before civil rights restored	1951	575
Revoked; practice under supervision of licensed physician; registration, legality	1955	165
Temporary		
Eligibility	1945	601
Issuance	1925	294
Qualifications	1945	601
Requirements; scope	1945	566
Lunacy case; compensation	1931	581
Naturopaths; classification as physicians	1947	580
Nonresident		
Certification; federal bureau of narcotics	1943	348
License; recording with clerk circuit court of same county	1927	256
Medication shipped to patient inside state for treatment; license	1953	488
Physician stationed with navy; acceptance of certain fees; legality	1955	467
Registration	1943	344
Board of health, with; defense	1943	344
Nurses in office of; practical nurses' license required	1951	581
Occupational license tax, liability	1904	74
Osteopaths		
Certificate of proficiency in the basic sciences required	1939	319
Sponsors; applicants for license to practice midwifery	1949	450
State board of osteopathic medical examiners; appropriation; distribution	1949	451

<u>Subject</u>	<u>Year</u>	<u>Page</u>
PHYSICIANS AND SURGEONS (cont.)		
Partnership; each member liable for license tax	1915	248
Permits to practice	1923	181
Pharmacy board not authorized to revoke registration certificate	1937	371
Plasmatic; occupational licenses, applicant; qualifications	1951	315
Post-mortem examinations	1935	477
Practice		
In state; authority	1927	119
Registration of license required	1927	249
Psychology, practice without the definition of practicing medicine	1951	574
Psychosomatic therapy and medical hypnosis, practice; whether violative	1955	467
Registration		
Annual; requirements	1927	247
Bureau of vital statistics, with	1929	267
Certificate	1941	520
Person enjoined from practicing	1945	521
Remuneration for attending inquests and making post-mortem examinations	1931	521
Report to health authorities; inspection	1941	126
State board of health; organizations, membership dues; reimbursement	1951	577
State board of medical examiners		
Appointment, director narcotics as custodian of records	1941	615
Blood pressure readings; application of medical practice law to practitioner	1947	263
Budget; jurisdiction of budget commission	1945	367
Cooperative plan for evaluation of graduates of foreign medical schools; participation	1955	297
Discretion to permit applicant to complete examinations begun before basic law became effective	1939	316
Examinations		
Holding; authority	1929	269
Printing; bids, requirement	1959	345
Expenses; pro rata distribution \$400.00 each member	1949	451
Licenses		
Granting without examination; legality	1927	252
Issuance; certificate of proficiency in basic sciences, without	1941	608
Metascience; practice	1945	564
Revocation; authority	1927	253
Temporary, issuance; authority	1925	294
Medical staffs of state institutions; exemption from examination	1947	449
Members; qualifications	1947	460
Osteopathic doctors; right to use title M. D.	1931	422
Permits procured from	1923	181
Receipts, deposit in state treasury	1945	101
Right to practice medicine in state; construction of law	1929	270
Suit against for negligence; statute of limitation	1931	791
Tuberculosis sanatorium; exemption from basic science examination	1947	121

<u>Subject</u>	<u>Year</u>	<u>Page</u>
PHYSICIANS AND SURGEONS (cont.)		
Venereal diseases; confidential nature of reports	1947	420
Veterinarians not required to register	1927	247
Physiotherapists See: PHYSICAL THERAPISTS		
Phyto-therapy practitioners; right to prescribe; construction of law	1931	424
Piano tuners; license	1933	12
PICTURES		
Obscene and indecent, what constitutes	1927	461
Trial of criminal case, payment of expenses incurred in procuring pictures for use in	1959	150
PIERS		
Construction in navigable waters; authority of trustees of I. I. fund	1959	373
Structures on lands covered by navigable waters, tax situs	1957	243
Pilot association, state; state and county officers and county retirement system; members, eligibility	1957	841
PILOT COMMISSIONERS		
See also: PORTS AND HARBORS		
Attorney, without authority to employ	1933	633
Board of; reports by; requirement; Hillsborough county	1959	131
County commissioner; eligibility	1947	627
Licenses; parolee for federal felony	1949	347
Pilots; appointment	1937	372
Quarantine officer, holding position	1911	76
Rules and regulations; promulgation and enforcement	1931	427
	1937	373
Stevedore licenses; granting to firms, corporations or individuals; authority	1951	452
PILOTS		
See also: AIRCRAFT; HARBOR		
MASTERS		
Appointment	1919	114
	1923	82
	1937	372
Duties and fees	1931	363
		365
Pilotage rates		
Law designates	1931	1025
Shipping	1931	1020
Pin ball machines See: COIN OPERATED DEVICES		
Pine seedlings; production constitutes agricultural labor	1939	303
PINELLAS COUNTY		
Accounts, adjustment under Futch act; authority of board of public instruction	1939	22
Antimosquito district; liability insurance; trucks and cars	1949	417
Arrests; minor children; felony; juvenile court; authority	1949	432
Budget commission		
County attorney's secretarial help	1949	191
Election and term of office	1953	98
Powers and duties, generally	1953	154
Clerk, circuit court, salary; payment	1959	453
Closed fishing season in, governed by general law	1933	503
County board public instruction; teachers; release; reinstatement	1949	299
County executive committees; election districts, boundary changes; effect	1951	189

Subject	Year	Page
PINELLAS COUNTY (cont.)		
Elections		
Candidate; special primary; vacancy; state representative; party committee, duty	1949	136 137 141 144
Challenged voter; party affiliation changed; election board duties	1949	138
Freeholders; list qualified to vote, information by mail	1949	147
Municipal		
Registration books; closing time	1949	84, 87
Voting machines, use mandatory	1949	149 110
Registration records; list of names; erroneous removal; restoration	1949	93 99
School bond election; registration; certified list eligible to vote	1949	149
Schools; special tax district; voting machines; voters' instructions	1949	314
Supervisors of registration; absent voter's ballot	1949	117
Trustee elections; registration books; closing time	1949	307
Utility board members; juvenile judge; qualifying	1949	133
Voting machines; Gulf Beach service district	1949	109
Fees received as agent of trustees of I. I. fund and sales of documentary stamps; income of office	1959	453
Funds, special levies, transfer to other sinking fund accounts by board of administration	1941	456
Gasoline taxes; race track fund; water system fund; county commissioners; control	1949	190
Group insurance for benefit of employees; school board, application of special act re	1959	502
Health board; rental contract; budget commission; authority	1949	191
Judge of county court; compensation	1945 1941	252 547
Juvenile court judge, term		
Long Key sewer district, bond election; electors, qualification	1955	74
Manatee and Hillsborough counties, closed fishing season in, governed by general law	1933	503
Redistricting by school board; effect upon memberships; appointments	1945	387
Refunding indebtedness	1933	172
St. Petersburg junior college; status	1945	444
Sheriff		
Cash appearance bond; defendant appearance in justice of peace court; disposition	1959	423
Forcible entry of private dwelling to levy upon personalty; locking doors of business to effectuate attachment; authority	1959	37

Subject	Year	Page
PINELLAS COUNTY (cont.)		
Sinking funds, use by board of administration to pay clerk's cost for validating refunding bonds	1941	455
Small claims court; venue, actions ex contractu; replevin proceedings	1955 1941	189 508
Stone crabs; traps; use		
Submerged lands, dredging and filling; navigable waters or ports, regulation	1955	863
Tax collector; vacancy; term; election	1949	89
Pinellas county fair; county public printing, contracts; regulation	1957	102
87, PINELLAS COUNTY WATER AND NAVIGATION CONTROL AUTHORITY		
Bulkhead lines		
Fill permit issuance; combined hearings before examiner, authorized	1957	735
Fixed by municipality; acceptance by authority without public hearing, etc.	1957	924
Conveyance to fill; trustees to obtain approval from; unnecessary	1957	614
Dredging for improvement of navigation, permit issuance; authority	1959	182
PINELLAS UTILITY BOARD		
Members		
Candidates; qualifications	1949	133
Precinct committeeman, as; no prohibition	1949	89
Vacancy; appointment by governor	1949	28
Pipe line companies; public service; taxability	1959	300
Pistols See: FIREARMS AND WEAPONS		
PLANNING BOARD, STATE		
Appropriation	1935	408
Automobile purchase	1935	577
Employees; medical services; Jack Collins	1941	549
Funds		
Manner of handling	1935	577
Withdrawal only in pursuance of appropriation	1941	549
Plans and specifications; drafts of manufacturing plans to be used outside of state; license tax liability	1953	275
PLANT BOARD, STATE		
Appropriation; beginning date of fiscal year	1915	215
Attorney general and state attorneys represent	1919	64
Certificate of inspection, fees	1955	508
Claim of A. H. Wolyn	1921	305
Corporate body, may not be	1915	214
Employees		
Military leave of absence	1941	113
Retirement		
Eligibility	1945	209
Temporary resignation; effect	1945	216
Years of service; computation	1945	207
Flowers and shrubs; sale of certain, prohibited	1953	676 677
Forest insect and disease field, duties and authority	1955	951
Honey bees		
Rules and regulations with respect to disease	1947	516
Shipment into state; regulation	1947	514 515
Violation of embargo; penalties	1947	516

<u>Subject</u>	<u>Year</u>	<u>Page</u>
PLANT BOARD, STATE (cont.)		
Honey; inspection of shipments into state	1947	514
Inspectors; overtime employment, with federal government; eligibility to participate	1951	422
Interference with; contempt proceedings	1935	574
Motor vehicles; authority to purchase	1947	131
Nursery stock, certificate of inspection; exemptions of certain growers	1955	347
Okeechobee flood control district; authority to employ coordinator	1939	408
Orchids, possession or growing of; legality	1953	675
Private property		
Bureau of entomology, appointment to enter to eradicate certain pests	1939	410
Entering to treat, cut or destroy plants; authority	1939	410
Prosecuting attorneys, service in suits	1921	392
Purchase of land, title taken in name of	1953	565
Quarantine	1933	465
Rules should not conflict with rules federal government	1931	438
Records; confidential nature	1945	643
Research in foreign countries; expenses	1945	642
Rules and regulations, legality	1941	705
Spraying to eliminate citrus pests; compensation for damage to private party	1935	574
Workmen's compensation	1935	541
Plasmatic physicians See: PHYSICIANS AND SURGEONS		
Plats See: MAPS AND PLATS; SUBDIVISIONS		
PLUMBERS AND PLUMBING		
Contractors		
Licenses; bond requirements	1951	318
Surety bonds, expiration date	1951	617 583 617
Gas water heater connected to water line; whether installer within the LP gas laws	1957	619
Inspectors	1945	579
Appointment by county commissioners; powers, compensation, etc.	1947	461
County health unit employee serving as; legality	1951	255
Fees; responsibility of handling by county health director; legality	1951	255
Installation		
Hired workers, not licensed and bonded; legality	1953	546
Owner, not licensed plumber; prohibited	1953	546
Residence, permit required for installation by owner	1959	263
Municipalities		
Census, applicability of law	1953	207
Regulations	1931	737
Plumbing law; construction	1927	346
Septic tank cleaners; plumber's license required	1955	940

<u>Subject</u>	<u>Year</u>	<u>Page</u>
Plymouth citrus products; revolving fund certificates issued by; intangible personal property tax liability	1955	420
Podiatry See: CHIROPODY		
Police officers See: MUNICIPALITIES		
Policemen's retirement fund See: MUNICIPALITIES		
Policy See: INSURANCE		
Political parties See: ELECTIONS		
Political party executive committees See: ELECTIONS		
POLITICAL SUBDIVISIONS		
Bonds; interest coupons, delinquent; rate of interest	1951	709
Defined	1951	291
Gasoline tax; exemptions	1943	234
OASI; status of certain agencies	1957	240
Referendum of employees; federal social security act	1955	633
Social security; coverage group, separate plan approval	1951	700
Trustees, internal improvement fund, power to lend money for public improvements; legality	1957	25
Wages, assignment by employees; not binding on employer	1959	224
POLK COUNTY		
Alcoholic beverages transported from wet county; social or fraternal clubs; validity	1951	623
Assistant county solicitor; salary; law governing	1945	152
Budget commission		
Expenses of members; reimbursement	1941	138
Jurisdiction	1943	208
Candidates, qualifying dates	1955	288
County commissioners		
Budget amendment; gasoline tax funds	1949	272 274
Traffic officers, employment, compensation	1951	255
County superintendent of public instruction; compensation	1941	336
Court reporter; misdemeanor cases, per diem allowances	1951	44
Criminal court of record; persons sentenced	1949	619
Defense bonds; purchase by board of administration for sinking fund account	1941	478
Deputy constables; appointment	1945	146
Group insurance; payment of premiums by retired employee; effect	1945	243
Jury lists; commissioners authorized to include names qualified women	1949	75
Justice of peace, abatement of public nuisance; jurisdiction and authority	1957	485
Lake Hatchineha declared to be located in	1931	485
Lands transferred from Pasco county; residents; voting rights	1949	96
Officers and employees; group insurance; workmen's compensation law	1949	442
Parole supervisor; power of parole commission to appoint	1945	759
Probation and parole officer		
Appointment by governor	1945	759
Compensation; source	1945	758

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
POLK COUNTY (cont.)			PORTS AND HARBORS (cont.)		
Registration			Pilot commissioner (cont.)		
Books; time for closing	1947	116	County commissioner; eligi-		
Reregistration	1945	186	bility	1947	627
	1949	90	Port authority		
School district elections; canvass	1941	243	Clerk circuit court as secretary-		
Sheriff			treasurer; compensation	1949	197
Defendant in prison; demand on			County		
surety for fine and cost bond	1951	773	Members, other than county		
Interim appointment; term of			commissioners; legality	1959	602
office	1951	49	Race tax revenue, pledging of,		
Small claims court; judge, compen-			as security for revenue cer-		
sation	1949	66	tificates; legality	1959	602
Superintendent of public instruc-			Leasehold interests in property		
tion, compensation	1957	291	of; tax situs	1957	546
Supervisor of registration; compen-			Officers and employees; county		
sation; for copies names of			retirement system, eligible		
registrants	1949	119	for	1951	218
Traffic officers, employment	1951	255	Port commissioners		
Wahneta drainage district; taxation	1949	221	Candidates; error in qualifica-		
Polk county port authority; law creat-			tion	1943	155
ing; construction	1937	586	Old vessels in harbor; disposition;		
Poll tax See: ELECTIONS			authority	1931	368
Polling places See: Precinct under			Special primary election, pro-		
ELECTIONS			vision for calling	1937	143
Polls See: ELECTIONS			Port of Palm Beach district; build-		
Pollution See: WATER AND WATERWAYS			ing permits; immunity from mu-		
POOL TABLES			nicipal building restrictions and		
See also: COIN-OPERATED DEVICES;			regulations	1959	156
LICENSES AND LICENSE TAXES;			Port of Pensacola; harbor master,		
TAXATION			jurisdiction	1953	383
Coin-activated; minors permitted			Stevedore licenses, granting to		
to engage in game on miniature			firms, corporations or individuals	1951	452
tables; violation	1957	689	Postage; furnishing to tax collector	1917	148
POOLROOMS			POSTAL SAVINGS		
Billiard tables			Accounts; funeral expenses; lia-		
License	1904	60	bility	1945	533
	1931	705	Deposits in state banks; security	1947	570
		902	POSTMASTERS		
Miniature; license	1931	812	County commissioner as; not eligi-		
High score prizes; whether vio-			ble for both offices	1904	71
lative	1951	745	Public office		
License required for each place of			Candidate	1935	358
business	1931	579	Ineligible	1909	80
Minors			POST-MORTEM		
Municipal ordinance permitting			Examinations	1935	477
visits by	1953	188	Physicians making; remuneration	1931	521
Playing pool in or visiting; un-			Postwar fund; county commissioners,		
lawful	1949	580	power to levy tax; termination date	1947	140
Sunday, operation on; prohibited	1953	695	Postwar planning; county commissioners;		
Poor and indigent persons See: IN-			reserve fund	1943	181
DIGENT PERSONS			POULTRY		
POPULATION ACTS			Owner of chickens not prohibited		
Application of 1960 federal census			from bringing into state	1931	1009
as to municipal corporations			Slaughter establishment; state		
(\$205.32, 205.38, 205.42,			supervision	1943	452
F. S.)	1959	652	Power of attorney; surety company		
Effect of 1960 census upon, in view			authorized to issue	1929	236
of \$11.031(3), (4), F. S.	1959	631	Prawn See: FISH AND FISHING;		
Federal census, effect of 1960 cen-			SALT WATER FISHERIES; SHRIMP		
sus on additional or other coun-			AND PRAWN		
ties	1959	114	Preachers See: MINISTERS		
Port of Miami See: MIAMI, PORT OF			PREACHERS' RELIEF FUND		
Port of Pensacola See: PORTS AND			Taxation; exemption	1933	89
HARBORS			Property	1931	398
PORTS AND HARBORS			Trustees, incorporating certain		
See also: PILOTS; PILOT COM-			persons as; validity	1931	397
MISSIONERS			Precincts See: ELECTIONS		
District bond election; registra-			Precooling plant; construction; borrow-		
tion	1947	112	ing money	1933	625
Harbor masters See: HARBOR			PREFERENCE		
MASTERS			Florida merit system; qualified resi-		
Pilot commissioner			dents; provisional appointments	1949	155
Board of; pilot's license, parolees			Veterans, civil service and other		
before civil rights restored	1949	347	examinations	1953	381

<u>Subject</u>	<u>Year</u>	<u>Page</u>
PREFERRED CLAIMS		
City and county, when entitled to, under certain conditions	1929	202
Defunct banks, method of handling against	1929	210
Extent of participation	1931	274
Payment, if limited to amount of cash at time bank closed	1929	218
Preferred stock See: CORPORATIONS		
Pregnancy; use of mails for information on prevention	1931	417
Preliminary examinations See: CRIMINAL PROCEDURE		
Premium receipts tax See: INSURANCE; TAXATION		
Presbyterian church, United States; insurance, group life plan, issuance	1951	668
President of senate See: LEGISLATURE		
Presidential electors See: ELECTIONS		
Pressing clubs; license tax, liability	1927	438
Price fixing; milk commission; legality	1955	71
Primary elections See: ELECTIONS		
Primary roads See: STATE ROAD DEPARTMENT		
Printing See: PUBLIC PRINTING		
PRISON FARM, STATE		
Appropriation	1919	192
	1933	382
	1935	411
		418
Beef cattle; disposition	1955	878
Convict made goods	1935	772
Habeas corpus; flat top confinement; pending	1949	628
Lands in Bradford and Union counties; assessment	1957	529
Personal property, sale; cattle; hogs	1943	512
Prisoner; term of imprisonment, commencement	1943	501
Produce, funds derived from sale; security; deposit	1943	513
Release fees	1949	629
Prison fund of state; salaries of employees	1933	638
Prison-made goods See: CONVICTS; PRISONERS		
PRISON, STATE		
Breach, escape and punishment	1927	345
Colored female prisoners; institutions for detention	1945	760
Commitment; transmittal of indictment	1945	763
Delinquent state taxes; disposition	1945	762
Gain time		
Computation	1947	612
Overtime duties, additional credit prohibited	1951	789
Guards; authority to carry firearms	1941	791
Industrial trust funds, raw materials defined	1951	790
Lands in Bradford and Union counties; taxation	1947	182
Minor convicted of crime; sentence	1947	613
Persons previously adjudged insane; conviction and sentence	1947	425
Sentence to county jail in lieu of state prison, validity	1955	477
Sheriff's fees for transporting persons committed	1931	518
State prison improvement fund; Florida state farm No. 2; portion allowed; improvements	1949	628
Superintendent; disciplinary powers	1945	763

<u>Subject</u>	<u>Year</u>	<u>Page</u>
PRISON, STATE (cont.)		
Suspension of employee; effect upon eligibility for retirement	1947	126
System, limitation of 1933 appropriation bill on salaries of employees	1933	390
Taxation of lands by counties	1947	183
Transfer of child convict to industrial school	1945	549
PRISONERS		
See also: CONVICTS		
Arrest		
Constable, by; disposition	1945	743
Without warrant; subsequent procedure	1945	144
	1947	592
Attorney; right to interview	1931	756
Blood donors, legal age requirements	1959	350
Board and lodging due by Alachua county, bill	1925	202
Cash payment authorized upon discharge only	1939	552
Charge on county; sheriff entitled to fees	1925	104
Citizenship	1941	789
City of St. Augustine; incarceration in county jail	1949	209
Civil rights; restoration	1943	505
Client; right to interview	1931	756
Clinic, movement to and from; fees and mileage	1957	147
Colored females; institutions for detention	1945	760
Commitment	1921	207
Jail; constable	1921	388
Duties and fees	1931	633
No authority without legal order	1929	311
Officers' fees	1947	39
Sheriffs; duties	1951	786
Commutation of sentence	1921	259
Concurrent sentences; fines and costs; method of payment	1955	93
Constable's prisoner, bound to higher court; handling of	1953	678
Conveying		
Expense; order by governor	1911	78
Fees	1921	275
Costs		
Fines; revision of statute	1931	766
No indictment found	1913	239
Counsel; rights	1945	738
County		
Farm laborer, hiring out as	1917	175
Food		
Equipment	1943	511
Preparation; responsibility of sheriff	1951	787
Gain time, additional; authority of county commissioners to grant	1959	347
Operation of county vehicle while driver's license revoked	1949	372
Partial service; fine and costs reduction	1949	627
Purchase of clothing for; splitting invoices	1949	187
Sentence, partial service; fine and costs; credit allowed	1949	626
County commissioners		
Clothing and medical supplies, provision	1933	213
Food, clothing, etc., provision	1929	297

<u>Subject</u>	<u>Year</u>	<u>Page</u>
PRISONERS (cont.)		
County jails; personal injuries	1949	47
County judge's court; jurisdiction	1943	125
Credit on fine based on imprisonment, entitled to receive	1939	553
Custody pending appeal	1947	602
Detention by sheriff by commitment	1941	773
Discharge, transportation	1921	343
Discipline by superintendent of state prison	1945	763
Dog boy, assistance; escapees, capture; use	1951	789
Drainage projects, not available for	1931	418
Escapee		
Capture; persons entitled rewards	1949	627
City jail, municipal ordinance violation	1955	785
County or city jails; prosecution against	1953	31
Florida industrial school; larceny of auto; trial; determination of jurisdiction	1949	430
Misdemeanor; prosecution	1927	120
Prisoner absent from state prison on escape; authority of commission to grant parole	1959	240
Prosecution of crimes relating to; where maintained	1955	675
Returning from county jail; fee of sheriff	1945	111
Extradition of prisoner in federal custody; waiver of rights	1945	126
Feeding	1931	380
Compensation	1917	119
Computation of time	1933	259
Sheriff		
Compensation allowed	1931	632
Contract; authority	1933	259
Fees	1927	447
Fund from which payable	1937	77
Payment	1945	116
Reimbursement for cook	1947	158
Requirements	1949	190
Fees	1941	139
Conveying to and from jail	1955	400
Sheriff; commitment and release	1923	245
State prisoners; release; habeas corpus proceedings	264	
Fine and costs; credit allowed; sentence; partial service	1907	212
Fingerprinting	1945	112
Fees of officers	1949	629
Firearms, right of prison guards to carry	1949	626
Food; fuel for cooking; county commissioners; authorized to furnish	1941	33
Gain time	1945	112
Allowance	1917	222
Approval by state institutions board; concurrence by pardon board	1949	39
	1949	627
	628	
	1941	790
	1959	167

<u>Subject</u>	<u>Year</u>	<u>Page</u>
PRISONERS (cont.)		
Gain time (cont.)		
Computation	1947	612
County convicts	1957	331
Effective date of law	1949	627
Eligibility	1939	537
Fines, computation	1951	788
Good conduct	1949	627
Loss		628
Self injury	1943	514
Violation of parole	1941	785
Mandatory sentence, applicability	1953	722
Overtime duties; additional credit prohibited	1951	789
Guards, authority to carry firearms	1941	791
Habeas corpus pending; flat top confinement not allowed	1949	628
Hospital and funeral expenses; liability of county	1941	136
Indeterminate sentence to county jail; parole commission, summary and progress reports; furnishing	1959	642
Indigent prisoner, hospitalization and medical care, extent of city responsibilities	1959	219
Insane prisoner		
Discharge; cash payment	1939	552
State not liable to New York state for care and treatment	1939	544
Jail		
Commitment required	1945	117
Holding religious services in halls or corridors; discretion of sheriff	1957	297
Mail; censorship	1925	342
Overcrowded; transfer to jail of another county; expenses, payment	1957	478
Justices of peace; custody	1949	618
Leasing		
Cities to counties	1949	626
Female prisoners not to be leased	1909	81
Grade two as farm laborers	1917	400
White prisoners; authority	1917	303
Letters, use of censored mail as evidence	1953	722
Mail, opening; right of officers	1929	403
Maintenance		
Jail, in; part of prosecution costs	1913	240
Liability for cost; prosecuting county	1931	467
Manual labor	1927	296
Matron; payment of services; duty county commissioners; females in jail	1949	39
Medical and surgical expenses incurred in the treatment of; payment	1959	39
Medical expenses; liability of county	1945	234
Medical service, selection	1921	352
Mistreatment; prosecution of guard	1941	791
Money and clothes, furnishing upon discharge	1913	124
Municipal		
Arrests; drunk-o-meter tests; transfers	1949	572
Sentence, partial service; fine and costs; credit allowed	1949	626
Outgoing mail; censorship, subject to by proper authorities	1953	722

Subject	Year	Page
PRISONERS (cont.)		
Pardons, supervision; restoration of civil rights	1943	505
Parole		
Conditional pardon	1921	212
Eligibility	1941	788
	1943	506
Indigent parolees; release fees	1949	629
Judges without authority	1927	364
Parole served, discharged from imprisonment under prior sentence; parole revoked, sentence resumed	1959	323
Prisoner absent from state prison on escape; authority of commission to grant parole	1959	240
Property; safekeeping	1917	144
Raiford, when should be sent to	1927	382
Release		
Fees	1949	629
Without bond	1953	678
		693
Return		
Another county, from	1931	506
Constable's expenses	1947	38
Nonresident county; constables; authority	1949	600
Reward for capture		
Officer; eligibility	1917	405
Revocation of offer by lapse of time	1945	745
Self-injury; loss of gain time	1943	514
Separation of races	1919	115
Service part time, fine and cost prorated	1921	387
Serving sentence imposed by city; hospitalization and medical care, payment, etc.	1959	219
Sheriffs		
Care of prisoners; requirements	1923	233
Constables; release fees; transportation fees	1949	47
State prisoners, reduction of imprisonment by partial payment; credit based on imprisonment	1959	121
Supplies for	1933	213
Temple Terrace, town of; county jail; confinement in, legal	1949	209
Temporary confinement		
County jails, in, while enroute to another state	1947	607
Municipal jails, in, when arrested by sheriff or constables	1951	760
Term of sentence		
County commissioners; authority	1917	421
Credit on, for time imprisoned in jail	1929	337
Discharge	1921	205
Term begins on day of sentence	1913	142
Transfer		
Industrial school	1921	211
		213
One jail to another; authority of governor	1939	552
Safekeeping; return for arraignment; governor's permission, requirement	1955	812
Transportation		
Raiford; county commissioners; sheriffs; fees	1949	630
Sheriff, by		
Expenses	1943	116
Fees	1945	109
		115
		119

Subject	Year	Page
PRISONERS (cont.)		
Transportation (cont.)		
Two or more prisoners to Raiford, mileage fee authorized for each prisoner	1957	482
Venereal diseases; sheriff's fees; transportation	1949	415
Witness fees; eligibility	1931	634
Private employment agencies See: EMPLOYMENT AGENCIES		
Private schools See: SCHOOLS		
Private universities See: Specific university		
PRIVATE WIRE SERVICE		
Municipal peace officer; violations, authority relating to	1955	613
Regulation		
Railroad and public utilities commission; advanced witness fees; reimbursement	1949	395
Western union telegraph company; rooms; wire information base-ball games	1949	395
PRIVILEGE TAX		
See also: Sales tax under TAXATION		
Legal procedure to collect on		
oyster leases	1937	288
Prize-fighting; legality	1917	272
PROBATE LAW		
Administration unnecessary, when Administrator See: ADMINISTRATORS AND EXECUTORS	1953	639
Bank accounts, decedents'; delivery to foreign personal representative; legality	1959	21
Claims, provisions for filing, mandatory	1933	522
Deceased resident of state, taxation of intangible personal property in hands of foreign executor	1955	353
Descent and distribution		
Escheated estates	1943	101
Estates	1905	141
Heir adjudged insane	1943	487
Murder of decedent as heir; insanity	1943	487
Dower estate; taxation, not exempt from	1933	91
Executors; corporations, nonprofit; no authority to act as	1949	514
Federal and state estate and death tax, payment of; application of 1957 amendment	1957	337
Foreign administration; recording transcript	1947	577
Guardian; advertisement before making turpentine lease	1933	521
Intangible personal property, distribution without consent of probate court; vestment of title	1959	532
Law, 1923, repealed by 1933 act	1933	521
Petition for order of administration unnecessary, county judge, fees allowed	1959	228
Property of estate removed from state; intangible tax	1947	239
Recording instruments relating to wills, codicils, etc.; authority county judge	1949	564
Repealed by 1933 act	1933	521
Resident decedents; probate in other states; intangible personal property, tax assessment liability	1959	545
Revision; effect; substitution of circuit judge	1945	716

Subject	Year	Page	Subject	Year	Page
PROBATE LAW (cont.)			PROCESS (cont.)		
Shares of stock, transfer by last will and testament, documentary stamp tax situs	1955	313	Foreign state, warrants issued in; service	1951	764
PROBATION			Insurance		
Acting probation officer; salary	1941	111	Commissioner; acceptance of service	1951	647
Justices of peace; powers	1949	624	Companies, service on; acceptance by state treasurer	1941	719
Officers			Issuance; state attorney authorized to cause	1937	118
Appointment			Justice of peace		
Assistant	1919	78	Issuance by; service	1913	259
	1927	341	Warrant, service by sheriff of second county; return of prisoner by constable and guard, compensation	1959	489
Associates	1917	198	More than one process, serving at same time and place; one mileage charge	1933	263
Compensation, Monroe county	1945	203	Municipal court, warrants issued; service	1947	172
Judge of juvenile court, by; legality	1945	548	Nonregistered foreign corporation; acceptance of process by secretary of state	1957	715
Powers, etc.	1933	195	Nonresident		
Sheriff; dual office	1945	128	Acceptance of service upon by secretary of state	1959	232
Term, Duval county	1945	136	Motor vehicle operators, service; secretary of state	1935	775
Constable, eligibility to serve as	1947	167			776
Expenditures	1927	439	Service by certified mail in lieu of registered	1955	366
Indigent children, care of; payment of expenses	1931	626	Sale of property under; sheriff entitled to commissions	1933	261
Industrial school for boys, procedure for recommitment	1929	176	Service on Sunday, legality	1953	49
Number for each county	1917	225	Sheriff's duties, in re service	1931	629
Payment of actual expenses left to discretion of board	1931	553	Small claims court		
Powers, compensation	1921	405	Notice by registered mail, defendant outside county; jurisdiction	1955	437
Salary, abolition not authorized	1931	526	Service by certified mail	1957	307
Term of office	1941	548	Worthless check; warrants issued without deposit by justice of peace; authority	1957	859
		549	PRODUCTION CREDIT ASSOCIATIONS		
Parole commission; jurisdiction over probationers	1949	623	Intangible tax; exemption	1945	294
Release from, by board of pardons; power	1949	625	Notes sold, intangible personal property tax, liability	1955	485
Supervision; compact between Florida and other states; word "state" construed	1955	947	Organized under federal laws; occupational license tax exemption	1959	450
Violation; criminal court of record; circuit court; jurisdiction	1949	625	Professional bondsmen See: Limited surety agents; INSURANCE; BAIL BONDS		
Probation officers See: COUNTY OFFICERS; PAROLE OR PARDON			Professional examining service; board of osteopathic medical examiners; use of service; prohibited	1959	64
PROCESS			Professional vocations; persons not registered under regulatory laws; occupational licenses, issuance	1959	371
See also: SUMMONS; WARRANTS			Professions and vocations See: Specific head		
Appearance bond, capias issuance after; sheriff or constable fee; service	1953	409	Professions; persons engaged in two or more businesses, etc.; occupational license exemption	1957	16
Arrest warrants, service on Sunday; legality	1955	917	PROHIBITION		
Basic science law	1943	399	See also: ELECTIONS		
Bastardy proceedings, constructive service	1953	642	Citrus and other fruit syrups, manufacture and sale; construction of law	1931	930
Beverage department, supervisor; service of; authority	1953	559	County judge and clerk circuit court; jurisdiction	1931	572
Capias			Justices of peace; no jurisdiction	1931	826
Criminal court of record, issuance; service by sheriff	1953	699	State officers not qualified to hold federal office	1925	391
Trial judge, issuance; service	1953	25	Stills; seizure and destruction	1929	327
Constables					
Service by	1935	796			
	1953	34			
Mileage fee allowed	1959	227			
Outside district	1941	57			
Corporations; annual reports; resident agents for service of process	1957	805			
County traffic officer; service by	1943	117			
Disposition by insurance commissioner	1941	718			
Execution in court of record, Escambia county, by constables	1941	58			
Fees, additional for mailing	1953	20			
Financial responsibility law; warrants issued by justice of peace; service by constable	1955	712			

Subject	Year	Page
PROHIBITION (cont.)		
Transporting into Florida certain intoxicating liquors	1925	277
Vic's health tonic; sale	1927	258
Promissory notes See: NEGOTIABLE INSTRUMENTS		
Property See: PERSONAL PROPERTY; REAL ESTATE AND REAL PROPERTY		
PROSECUTING ATTORNEYS		
Acting; appointment by judge of county court	1945	786
Administration of oath as notary public to complaining witness, issuance of arrest warrant; legality	1957	30
Adultery, violations relating to; prosecution	1953	31
Affidavits, drafting; duties; limited to county judge's court	1951	235
Annual dues, national association, as county expense	1955	908 912
Assignment by governor to another county	1945	786
Assistant state attorney, permissibility of holding office as	1959	218
Bail bonds		
Declared forfeited; enforcement	1953	696
Principal and surety; notice	1949	605
Bastardy proceedings; duty	1945	724
Board not authorized to dispense with services	1931	547
Bond estreatures, compensation	1951	59
Candidate for office of state attorney; eligibility	1945	134
Compensation	1923	238
	1945	240
Indian River county	1939	58
Contempt, report witnesses for	1923	219
Conviction fees		
Bonds estreated under provisions of §§34, 11, 322, 25, F. S.	1957	224
Criminal prosecution in county judge's court; plea of guilty	1959	641
Convicts, arrest after expiration of reprieve	1939	60
County courts, candidates for; qualifying date	1951	128
County judges' courts		
Fees; conviction	1949	53
Nolle prosequi, authority	1949	184
Criminal appeals, county judge's court to circuit court; responsibility	1951	776
Criminal charges, changing or reducing	1943	123
Criminal courts of record; placing cases upon absentee docket; without authority	1951	771
Dependent children, support actions		
Compensation	1951	532
Duties	1951	530
Duties	1931	587
Employment		
County commissioners	1935	680
Compulsory	1951	236
Duties	1945	238 239
Estreated cash bonds; compensation	1949	189
Fees	1925	332
	1931	466 521 637
	1941	49
	1945	240

Subject	Year	Page
PROSECUTING ATTORNEYS (cont.)		
Fees (cont.)	1947	162 165
	1951	58
Appointment; method	1931	466
Basic	1949	182
Collection; report	1951	250
Convictions	1931	589
	1939	58
	1949	173
County judge's court	1925	325
	1949	53
Estreated cash bonds	1949	189
General	1947	162 165
Indian River county	1939	58
Madison county, county court	1949	52
Habitual criminal statutes, duties under	1955	39
Informations		
Fees for conviction	1949	182
Filed in county courts; acknowledgments not required	1959	482
Filing	1943	498
Juvenile court, service as counselor	1951	68
Leaves of absence for war criminal trials	1945	226
Legislator to hold office; eligibility	1957	26
Nepotism; public officers; employment prohibited	1951	215
Nolle prosequi case, authority in certain cases	1957	554
Okeechobee county	1949	182
Preliminary hearings		
Duties	1951	232
Requested by defense counsel; court reporter's written report; furnishing	1959	469
Search warrants, drafting; duties; limited to county judge's court	1951	235
Semi-annual meetings; expenses incurred by attending; payment out of public funds	1959	313
Term of office	1927	293
Vacating sentence by judge; lesser sentences; criminal cases; jurisdiction	1949	60
Witnesses for investigations, summons; without authority	1953	31
Proxy marriage See: MARRIAGE		
Psychiatric social work; appropriations, transfers between items	1955	760
PSYCHOLOGISTS		
Basic science examination, subject to	1957	536
Board of examiners of psychology	1957	277
Practice		
Definition, without the practice of medicine	1951	574
License	1947	450
Regulation	1957	277
Psychopathic person; mental condition of defendant, proceeding to determine	1955	489
Psychosomatic therapy; practice of, whether violative of the practice of medicine	1955	467
PTA See: PARENT-TEACHERS' ASSOCIATION		
PUBLIC		
Accountants See: ACCOUNTANTS		
Aid, recipients of See: WELFARE		
Assistance See: WELFARE		

Subject	Year	Page
PUBLIC (cont.)		
Beaches; purchase of property for; installment contract basis	1953	471
Bridges See: ROADS AND BRIDGES		
Debt; general fund indebtedness; taxability of homesteads to pay	1941	168
Employment See: STATE AND COUNTY OFFICERS AND EMPLOYEES		
Free schools See: SCHOOLS		
Funds See: FUNDS; PUBLIC MONIES		
Health See: HEALTH		
Improvements; trustees, internal improvement fund; power to lend funds to political subdivisions for construction of; legality	1957	25
Instruction, county boards of See: SCHOOLS		
PUBLIC BUILDINGS		
Appropriations	1925	248
Board of control; duties; contract disputes; rate of wages	1949	281
Construction projects, responsibility required of board of commissioners of state institutions	1955	502
Contracts in excess of \$10,000.00; competitive bid requirements	1957	549
County officers not to use for private business	1925	78
Engineers' fees, single contract for utility installations; board of control, authority	1953	340
Florida council for blind; vending machines authorized	1949	428
Florida merchants; state contract, favor of; no violation interstate commerce clause	1949	338
Insurance in mutual insurance associations	1933	428
PUBLIC FOOD SERVICE ESTABLISHMENT		
Construction plans; approval by supervising architect of hotel and restaurant commission; authorized	1957	861
Guest, authority of management to remove certain; authorized	1957	863
PUBLIC LANDS		
See also: LANDS; STATE LANDS		
Acquired under chapter 14572, acts 1929, not subject to taxation	1933	120
Assessment		
Deed, delivery by trustees internal improvement fund	1943	296
Sale certificate; validity	1955	686
Balance to be included in new fund under chapter 19006	1939	7
Below high water mark; title	1943	292
Board of forestry and parks; oil and gas leases	1945	651
Church, permission to erect	1939	284
Clearance of title	1923	72
Contract of sale, under; enforcement of tax liens	1947	364
Conveyance		
Counties; reservation of oil and mineral rights	1945	458
Erroneous; reconveyance by trustees	1943	294
National guard armory located on lands; Key West	1935	778
Patents from United States government to state; recording in counties unnecessary	1904	28
United States; jurisdiction	1943	296
Entry; authority of forester to grant permission	1945	652

Subject	Year	Page
PUBLIC LANDS (cont.)		
Everglades national park		
Right of way; governor's consent	1949	335
Trustees of internal improvement fund, authority	1945	456
Fences		
Not allowed	1923	243
Removal; remedy against	1933	603
Filled-in lands; title	1943	292
	1945	451
Forestry board		
Certain lands; disposition	1949	332
Dedication to; trustees internal improvement fund without authority	1939	424
Grazing purposes, leased for; right of lessee to build	1939	565
Highways, riparian rights; releases	1949	332
Homesteading by veterans		
County lands available	1945	450
Method of location	1945	450
Nonresidents, establishing residence	1945	449
Occupancy requirement	1945	449
Island in navigable stream, title	1943	301
Leased property; state insurance	1935	772
Leasehold interests; tax situs	1957	546
Liens, extinguishment	1941	160
Mineral, petroleum rights		
Development	1943	299
Exchange	1943	292
Exploration contract; default	1945	448
Reservation	1945	458
Sale or release	1943	295
Municipal		
Police officers, enforcement by; authority	1953	683
Taxation; exemption	1945	270
Murphy lands See also: MURPHY LANDS		
Resale	1943	202
		204
Pensacola street, to center of	1937	629
Prison farm; taxation	1947	182
Purchase; procedure	1923	287
Quitclaim deed; property reserved for drainage purposes	1943	300
Railroads; claims	1937	627
Retained oil interest; lease working agreement	1945	451
Sale		
Certain lands owned by trustees of I. I. fund; proposed sale	1907	157
Powers and duties of officers	1943	171
Proceeds; twenty-five per cent for schools	1907	134
		146
Taxes, for; when void	1925	162
School lands		
Contract for conveyance; taxation	1947	205
Interest of railroad acquiring right of way	1945	506
Sovereignty; sale of timber; internal improvement fund	1941	361
Spoil-deposit areas formerly submerged land; title	1945	452
State board of education; mortgaging prohibited	1955	558
State hospital, lands belonging to; board of commissioners of state institutions not authorized to sell	1933	605

Subject	Year	Page
PUBLIC LANDS (cont.)		
Submerged; power of trustees to sell	1945	459
Taxation	1935	596
	1941	171
		172
Counties, by	1947	183
Exemptions	1941	158
	1943	206
Not subject to	1937	589
School lands	1943	309
Tax certificates; redemption by trustees of internal improvement fund	1945	461
Timber		
Cutting and removing prohibited	1931	517
		783
Sale by internal improvement fund	1941	361
Title vested in trustees I. I. fund	1935	558
Trespass	1923	235
Certain lands; J. N. C. Stockton	1907	166
Trustees internal improvement fund	1949	333
Island in St. Johns river not owned by another state agency; leasing	1933	607
Shell, phosphate, etc., in or under sovereignty lands of state; sale or lease	1933	604
Public liability insurance See: INSURANCE		
Public library See: LIBRARIES		
PUBLIC LODGING ESTABLISHMENTS		
Construction plans; approval by supervising architect of hotel and restaurant commission; authorized	1957	861
Guest		
Refusing accommodations or services; authorized, etc.	1959	304
Removal of certain by management; authority	1957	863
PUBLIC MONEYS		
See also: FUNDS; STATE TREASURER		
Advertising bills should be paid from	1933	638
Advertising commission		
Governor's baseball dinner, use of funds to defray expenses	1955	49
Radio program, publicity for Florida; authority	1951	442
Appropriations; state board of conservation; geological survey	1949	409
Auditing department; use of unexpended balance	1945	102
Auto theft refund; transfer to auto theft expense fund	1945	487
Auxiliary funds of colleges; effect of five funds act	1945	361
Bank deposits, collateral security pledged to state treasurer	1953	337
Board of administration; investments	1943	323
Budget commission, deficiency appropriation; Inter-American center authority, funds released to	1951	440
Building fund		
Appropriation; expenditure	1945	447
Brick plant; expenditure	1945	766
Farmers' market buildings; expenditure	1945	657
Central and southern Florida flood control district, funds, investment; federal savings and loan association shares	1953	446
Certificates of indebtedness and fuel tax anticipation certificate; eligible as collateral security	1955	350

Subject	Year	Page
PUBLIC MONEYS (cont.)		
Comptroller; issuance of warrant; erroneous condemnation of roads	1943	321
Custody of county judge; responsibility	1945	255
Delinquent prison fund taxes; disposition	1945	762
Depositories, designation; depositing of money paid into the court	1959	513
Deposits		
Banks, in		
Allocation of interest	1931	327
Method	1919	113
		218
County	1933	293
Officers; FDIC coverage	1945	711
National banks, authority to pledge assets to secure	1933	279
		283
Pledged securities	1953	12
	1955	695
Security		
State treasurer	1943	100
Substitution	1945	97
State funds		
Banks, in; revenue certificates as security	1947	629
Safekeeping receipts	1947	20
Emergency fund		
Appropriation; amount, period	1945	462
Trucks, purchase by tuberculosis board	1945	527
Use; tax collectors' commissions	1945	256
Federal grants, overseas highway, state treasurer as receiving and disbursing agent	1941	417
Fire insurance		
Lease of property held in trust	1945	470
Property insurable	1945	658
Five funds act		
Administration; operative date	1945	101
Application; dairy fund, industrial school for girls	1945	363
		766
Auxiliary funds of state colleges; effect	1945	361
Board of examiners for nurses	1945	576
Effective date; receipts of board of medical examiners	1945	101
Library board; deposit of receipts in state treasury	1945	455
Ship canal authority; deposit of receipts in state treasury	1945	362
State agencies within purview	1945	363
Florida industrial commission; employees; group insurance	1949	554
		555
Game and fresh water fish commission; investigation; wild life officer	1949	404
Gasoline tax; county owned vehicles, tire purchases	1951	494
General inspection; retransfer of surplus transferred to building fund	1945	657
Hospital maintenance fund; use for brick plant	1945	766
Improvement commission; method of disbursement	1945	774
Incidental, farm colony; nature and use	1945	529
Institutes		
Government; expenditure of receipts from publications, etc.	1947	351

<u>Subject</u>	<u>Year</u>	<u>Page</u>
PUBLIC MONEYS (cont.)		
Institutes (cont.)		
Higher learning; deposits	1951	345
Interest		
Disposition	1941	11
Payment at time of deposit	1933	285
Investment in victory bonds	1943	237
Library board		
Book fines; disposition	1945	455
Contracts; transfers; appropriation	1949	334
Depositing in state treasury	1945	455
Medical examiners, board of; deposit in state treasury	1945	101
Medical schools; use of; audit, board of control, duty	1953	341
Motor vehicle license refund; transfer to county school fund	1945	487
National banks; pledging assets to secure deposits of	1933	279
Naturopathic examiners; deposit in state treasury	1945	573
Newsletters, state subscriptions and purchase; use	1955	943
Nonstatutory revolving; effect of 1945 appropriations act	1945	466
Nurses, board of examiners		
Counsel; payment	1945	577
Expenditures; effect of five funds act	1945	576
Old age assistance; appropriation; amount, source	1945	544
Overseas		
Highway, opening expense, payment	1941	417
Road and toll bridge district not authorized to expend	1937	365
Oyster conservation; culture work, shell fish appropriations	1949	413
Pension of former school teacher; payment from general revenue fund	1947	628
Plant board; use for research in foreign countries	1945	642
Prison industrial trust funds, raw materials defined	1951	790
Public official, propriety of, procuring burglary, robbery and theft insurance on public moneys collected	1955	756
Public welfare department; educational leave scholarship; use of; prohibited	1953	465
Railroad commission; payment of special counsel's fee, etc.	1945	504
Rewards, use of public funds for; arrest and conviction of criminals	1905	171
School funds See: SCHOOLS		
Securities acceptable to insure; county bonds	1941	11 12
Social security administrative assessments; deposit	1951	552
State auditing department; use of unexpended balance	1945	102
State building		
Appropriation; expenditure	1945	447
Farmer's market, buildings; disbursement	1945	657
Surplus, transfer from other funds	1945	453 463
Use for buildings not specified in appropriations act	1945	472

<u>Subject</u>	<u>Year</u>	<u>Page</u>
PUBLIC MONEYS (cont.)		
State fire insurance		
Lease of property held in trust by state	1945	470
Property insurable	1945	658
	1947	367 374
State library; money received; depositing	1943	296
State livestock sanitary board; costs and expenses incurred dipping cattle; disposition	1947	518
State road department; investments	1943	321
State treasurer as depository of security	1941	10
Statutory, revolving; effect of 1945 appropriations act	1945	96
Surplus		
Dormitory revenue certificates; unit; university of Florida	1949	323
Transfer to building fund	1945	447 453 463
Use for increased college teachers' salaries	1945	438
Temporary transfers of, authorized	1953	301
Textbook; sources of revenue; expenditure	1945	410
Transfer	1933	637
General revenue fund to state board of beauty culture fund	1943	237
One fund to another authority	1933	637
Trustees of internal improvement fund; powers	1945	448
Tuberculosis sanatorium; appropriation for construction	1945	525
Unexpended balance, use		
College of forestry	1947	351
Improvement commission	1947	442
University funds, temporary deposits of, in private banks; transfers; no legal objection	1953	338
Victory tax remittances	1941	799
Warrants, duplicate; responsibility of comptroller and treasurer	1943	98
Withdrawal only in pursuance of appropriation	1941	549
PUBLIC OFFICIALS		
See also: OFFICES AND OFFICERS		
Bonds; cancellation prior to expiration of term designated	1957	709
County; private business, engaging in; personal attention to duties of office	1957	225
Elected; eligibility for coverage under workmen's compensation law	1957	674
Meetings and conferences, expenses incurred by attending; payment out of public funds	1959	313
Private businesses for profit; personal attention; duties to office	1957	319
PUBLIC PRINTING		
Adjutant general department printing; payment out of appropriation	1905	66
Class B printing, purchases; effect of chapters 59-318 and 59-319 upon	1959	212
Contracts		
Awarding; laws governing	1955	797
Nonresident printers; legality	1945	470
County commissioners; regulation	1957	102
Expense, when not current	1931	826
Geological survey; validity of out-of-state bids	1951	441

<u>Subject</u>	<u>Year</u>	<u>Page</u>
PUBLIC PRINTING (cont.)		
Medical examiners, board of; examinations, bids for printing; requirements	1959	345
Military department	1907	153
Notebook paper; plain ruled; not public printing	1949	339
Paper purchase without extra cost; not within purview of \$283.03	1949	339
Purchasing council; letterheads and printed forms; regulations, exemptions	1953	374
Railroad commission		
Bids for printing	1905	125
Payment out of appropriation	1905	66
State board of health; state printing contract	1905	101
State documents; distribution; school books	1947	373
Stationery; purchases; no extra cost; requirements	1949	339
Turnpike authority; publication for bids	1955	61
Universities, engraved diplomas; authority	1953	356
World federal government proposed memorial; general election ballot	1949	106
Public records See: RECORDS		
Public roads See: HIGHWAYS; BRIDGES AND FERRIES; ROADS AND BRIDGES		
PUBLIC SAFETY, DEPARTMENT OF		
See also: MOTOR VEHICLES		
AAA membership card, acceptance as appearance bond	1951	476
Accident reports; minors; restrictions contemplated by \$39.03(6) not applicable	1957	676
Ambulance, authorized emergency vehicle	1955	349
Attorney; application for reinstatement after military leave	1945	223
Competitive bids; purchases; requirements	1953	369
Convicts driving state motor vehicles required to be licensed	1939	334
County roads, investigation of accidents; jurisdiction	1951	479
Director		
Authority	1943	317
Salary; application of \$321.07	1955	343
Driver's license division; supervision	1943	317
Drivers' licenses See: MOTOR VEHICLES		
Dump trucks, maximum weights	1949	352
Exchange of license and refund of fee; rules prohibiting; adoption; authority	1939	335
Explosives; fees, deposit with state treasurer; rules	1941	409 687
Highway patrol		
Accidents		
Reckless driving, charges; authority	1951	454
Victims, removal of bodies; authority	1953	389
Arrests	1941	409
Appearance bond, capias issuance after; service by sheriff	1953	409 699

<u>Subject</u>	<u>Year</u>	<u>Page</u>
PUBLIC SAFETY, DEPARTMENT OF		
(cont.)		
Highway patrol (cont.)		
Arrests (cont.)		
Constable or sheriff, by; in presence of patrolman	1953	28
Defendant, disposition; sheriff's fees	1947	385
Evidence, delivery to sheriff	1945	496
Justices of peace without jurisdiction	1949	367
Patrolmen, by; constable assisting not entitled fees	1949	367
Police powers	1941	409
Prisoners transferred to sheriff, fees	1941	37
Procedure	1943	316
Sheriff's fees	1941	28 29 41 385
	1949	42
	1951	47
State traffic violations; authority	1939	336
Warrant	1941	29
Subsequent warrant issued by county judge unnecessary	1953	391
Auxiliary		
Accidents involving bus owned by; liability	1957	238
Bus purchase by certain group; ownership	1957	238
Responsibility of highway patrol	1957	238
Sub-agency of highway patrol	1957	238
Bail bond issued by surety company; acceptance	1945	494
Beach traffic; enforcement of regulations	1947	381
Blocking of highway, violation; enforcement of regulations	1951	454
Charges filed by information; not in justice court	1949	61
City traffic problem, assistance in control of; compensation by city	1949	208
Contraband, moonshine whiskey, seizure; authority	1951	477
Corporal assignment to weight division; limitation of personnel	1955	392
Crimes committed on rights of way of public highways, enforcement of law; authority	1955	800
Dade county home rule charter, delivery of prisoners by patrolman and prosecution of cases under	1959	223
Dog boy (state prisoner), assistance in capture of escapees	1951	789
Housing facilities	1949	366
Instructors, payment of expenses	1941	410
Intoxicated persons may be taken from automobiles; no authority to incur bills for storage of automobiles	1939	497
License inspection, stopping motorist for; authority	1939	332
Motor vehicles; color similarity; definition	1945	495
Navy reservation; jurisdiction; excluded from	1949	366

<u>Subject</u>	<u>Year</u>	<u>Page</u>
PUBLIC SAFETY, DEPARTMENT OF (cont.)		
Highway patrol (cont.)		
Patrol officers		
Arrests; fees allowed clerk, criminal court of record	1949	42
Bail bonds and recognizance; authority to determine amount and applicability	1957	364
Duties, responsibilities; motor vehicle accidents; privately owned roads, public use	1951	481
Fees, testifying in home coun- ty	1941	769
Leave of absence; municipal traffic survey, employment; granting	1951	483
Motor vehicles parked on highway in violation of parking laws; removal by	1957	559
Patrolman Bender's widow; pension, eligibility	1955	417
Special assignments; Skyway bridge; limitation of per- sonnel	1955	395
Summoned to testify in another county; witness fee and mileage, payment	1957	184
Pole trailers, weight 3,000 pounds or more; brakes, requirements	1953	388
Rate of increase of salary con- tingent upon service in par- ticular capacity	1939	337
Safety magazine, purchase of space to publicize policies; underwriting expense	1941	411
Salaries; rate of increase	1939	337
Traffic arrests	1943	316
Traffic violations		
Notice to appear, method au- thorized for issuance of	1957	741
State road department ferries, on; jurisdiction	1953	408
Turnpike authority, troopers as- signed to; salaries and ex- penses, payment	1955	836
Highway patrol stations; ad valorem taxation, liability	1953	407
Houses, construction for employees and members highway patrol; authority	1949	366
Justices of peace; drunken driving; driver's license; revocation	1949	71
Juvenile courts, withholding of drivers' licenses; cooperation	1951	74
License fees and county judge's fees under driver's license law	1939	331
Motor vehicles; incidental use by persons other than owners; chauff- eur's license	1949	369
Navy reservation; highway patrol; excluded jurisdiction	1949	366
Patrol cars; color similarity; def- inition	1945	495
Pension fund		
Deceased member, widow's benefits	1951	479
Retired member, reemployment; benefits	1953	404
Persons failing to return driver's license; arrest; authority	1951	489
Real estate, purchase; powers	1945	495
Safety magazine		
Purchase of space to publicize policies	1941	411

<u>Subject</u>	<u>Year</u>	<u>Page</u>
PUBLIC SAFETY, DEPARTMENT OF (cont.)		
Safety magazine (cont.)		
Underwriting expense	1941	411
Safety regulations promulgated by Florida railroad commission ap- plicable to for hire motor ve- hicles; enforcement	1939	333
Suspension by insurance commis- sioner; effect	1947	393
Unpaid driver's license fee; collec- tion; authority	1939	335
Weight committee, hearing of com- plaints, legality and authority of	1955	558
Public schools See: SCHOOLS		
Public toilets See: COIN OPERATED DEVICES		
PUBLIC UTILITIES		
See also: RAILROAD AND PUBLIC UTILITIES COMMISSION		
Defined	1951	500
License tax, requirements	1905	76
Municipal property lying out of county; taxation	1949	222
Relocation of facilities on public roads, reimbursement of costs	1959	126
Securities		
Exemption from securities law	1947	481
Registration and sale	1941	682
United States phosphoric products company of Tampa; labor dis- putes	1949	447
Utilities act; construction	1931	904
Water supply mains along state road; permit	1949	380
Western electric company, inc.; Florida public utility arbitration law	1949	447 448
Public waters See: WATERS		
Public welfare See: WELFARE		
PUBLIC WORKS		
Contractors employed by govern- mental agencies, removal from exemption	1959	171
Contracts executed prior to August 1; adjustment to protect bidders from sales tax	1959	191
Prevailing wages, payment of, on government construction; settle- ment of disputes	1955	164
PUBLICATION		
See also: NOTICES; ADVERTISE- MENTS		
Delinquent tax list	1953	233
Errors; correction	1933	132
Tangible personal property	1949	251
Funds from; disposition of surplus; geological survey	1949	409
Legal notices	1909	67
Legislative acts	1931	487
Local bills; requirements	1905	152
Municipal charter or amendments prior election, notice require- ments	1929	177
Names of clerks and inspectors of election should be posted or published	1955	315
Notice	1927	351
Certificates of title; sale; ex- pense, payment	1953	267
Charter of corporation, number of days	1913	254

Subject	Year	Page
PUBLICATION (cont.)		
Notice (cont.)		
Local laws	1913	195
Special tax school district elections, time required for	1913	250
Qualified electors' list See: ELECTIONS		
Tax sales		
See also: TAXATION		
Newspaper designated; qualifications	1931	805 833
Notices	1931	725
Time required	1929	224
Publicity; Sarasota county; commissioners; authority to contribute	1949	180
Puerto Rico; government bonds; securities deposited; release of portion; substitution, authority of insurance commissioner	1949	526 527
PUGILISTIC EXHIBITIONS		
Application of law; exception noted	1931	947 1047
Certain organizations exempt from all laws affecting such	1931	1047
Disabled veterans	1933	633
Legality	1917	272
1927		444
Participation in certain exhibition, prohibited	1957	890
Professional wrestling; within the purview of law	1955	229
PULPWOOD		
Mortgage and supplemental agreement for payment of loan in; documentary stamp tax liability	1955	825
Sale of timber; intention of board of commissioners of state institutions	1947	369
PUNCHBOARDS		
Cigarettes as prizes; legality	1945	729
Merchandise as prizes; legality	1945	728
Municipalities; gambling; sheriff's duties	1949	580 581 582
Operation of certain types; violation of lottery laws	1953	660
Prosecution for operating; crime chargeable	1945	729
Use, with sale of merchandise prohibited	1933	631
Veterans not exempt from license	1935	53
Punishment See: FINES AND PENALTIES		
Pupils See: SCHOOLS		
PURCHASES		
Board member, from; legality	1951	730
Bonds of special tax school district by board of public instruction, unlawful	1933	407
Everglades fire control district, purchases from board member; prohibited	1953	655
Judgment on matured bonds authorized under Kanner bill	1933	153
Kanner bill, under; should be for bonds and all past due interest coupons	1933	154
Outstanding time warrants of board of public instruction with special tax school district funds, unlawful	1933	406

Subject	Year	Page
PURCHASES (cont.)		
State agencies; commodities for resale; bidding and advertising requirements	1953	376
State purchasing council, purchasing term or annual requirements without competitive bids	1953	378
PURCHASING AGENTS		
Ballots; referendum clause should appear	1931	590
County commissioner acting as county purchasing agent	1947	140
Purchasing commission; class B printing, purchases; effect of chapters 59-318 and 59-319 upon	1959	212
PURCHASING COUNCIL, STATE		
Appropriation, status	1955	197
Commodity, use of brand name; competitive bids; authority	1953	363
Competitive bids, advertising; requirements	1953	365 377 378
Letterheads and standard forms, purchases; regulations, exemptions	1953	374
Mosquito control district, purchases, use of state funds; powers and duties	1953	364
Motor vehicles; competitive bids, advertising for; procedure when one or no bids are received	1953	367
Purchases		
Term or annual requirements without competitive bids	1953	378
State agencies		
Purchases		
Competitive bids; requirements	1953	369
Extent of authority	1953	364
Resale, for; bidding and advertising requirements	1953	376
Rental purchase agreement; competitive bids, requirement	1953	369
Textbooks, instructional aid and materials, etc.; within exception	1955	70
PURCHASING DEPARTMENT, STATE		
Board commissioners state institutions not authorized to install sprinkler system	1931	439
Tax exemption on gasoline and oils purchased for board commissioners state institutions	1931	1035
Pure food and drugs See: FOOD AND DRUGS		
Pure seed labeling law See: SEED LAW		
PUTNAM COUNTY		
Bonds		
Extension of maturity by board of administration	1941	457
Payment of interest beyond maturity by board of administration	1941	456
Refund, over-payment of moneys from applicable interest and sinking fund accounts by board of administration	1941	457
Registration; time, place	1947	56
School stadium bonds; validity	1947	308
Small claims court; execution of judgment; power	1951	86
Special school district elections; trustees; repeal of local school law; statutory provisions	1947	303
Tax sale certificates; void; refund	1941	195

<u>Subject</u>	<u>Year</u>	<u>Page</u>
Quadricentennial commission; officers and employees; state and county retirement system; eligibility	1957	887
Quadricentennial committee; funds released to committee by development commission; authorized with restrictions	1957	766
Quadriplegics; ad valorem tax exemption; application of 1959 tax assessments	1959	166
QUARANTINE		
Cattle, inspection for fever tick; liability of board to owners	1949	504
Officer; holding position of pilot officer	1911	76
Rules; state should not conflict with federal	1931	438
Tubercular persons	1943	351
Venereal disease hospitals		
Commitment; procedure	1943	349
Infected prostitutes; board of health maintenance; federal grants	1941	511
Motor vehicles; purchase	1943	343
Patients; transportation	1943	352
		357
Quasi-judicial hearings; news and television cameramen, right to photograph proceedings within hearing room	1957	853

Subject	Year	Page
Rabbits; hunting with light at night	1949	399
RABIES		
Antirabies campaign; board of health; authority	1943	341
Dog quarantine; enforcement by sheriff	1947	415
RACING		
Advertising fund; money received by counties may be used to create	1931	353
Annual racing application; public document, inspection	1953	543
Bond		
Approved, Palm Beach greyhound association	1931	443
Construction of law	1931	446
Required with each annual license	1931	448
Charity or scholarship, funds		
Disposition	1953	538
Institutions of higher learning; type; restrictions	1949	485
Sums payable to, compensation of profits; taxes, costs, expenses, deduction	1955	780
Code horse scheme, legality; occupational license, issuance	1955	494
Dog track		
County commissioner as employee	1951	611
Permit; application prior August 10 denied; subsequent amendment after August 15; granting	1957	460
Tax, not within governor's call for extra session of legislature	1949	25
Elections		
Called by county commissioners	1931	1019
Closing date for registration and payment of poll taxes	1933	370
Ratification of racing permit; special election held in conjunction with general election; cost	1955	768
Registration and voting, construction of law	1931	816
Requirement for holding	1931	804
Supervisor of registration; duties	1931	519
Voting; qualifications	1931	804
Employees, persons convicted of felony; continued employment, prohibited	1953	536
Horse racing		
Racing commission has authority to set dates	1939	413
Wagers; violations	1955	561
Jai alai		
Frontons		
Exhibition; Babe Zaharias cancer fund benefit; charity night performance, consideration	1957	314
Relation to each other and pari-mutuel race tracks, location	1957	275
Operation dates, summer and winter, maximum season	1959	210
Permits; intangible personal property, taxability	1959	319
Law construed	1931	441
		443
		810

Subject	Year	Page
RACING (cont.)		
Miniature automobiles; license tax	1947	268
Occupational license tax lawfully paid	1931	444
Pari-mutuel pool; minus pool; breaks tax, payment	1955	403
Permits		
Applications		
Amending	1931	440
Bonds required; construction of law	1931	445
		446
Time for filing	1931	444
		447
	1933	448
Board has no discretion in granting	1931	449
Corporation holding; stockholder, forced stock sale	1951	613
Intangible personal property, taxability	1959	319
Issuance; operation of jai alai fronton with twenty miles of horse or dog track	1957	275
Not transferable	1931	447
		448
		802
		973
Procedure for obtaining	1931	923
Receiver entitled to	1931	441
Special election for ratification; held in conjunction with general election; cost	1955	768
Race horses		
Nonresident owner; tax situs	1953	265
Taxation; when not subject to	1931	677
Race track funds		
Charity or scholarship days; disposition	1953	538
County budget; liability to municipalities	1949	394
County school funds; borrowing power of county board	1953	331
Deficiency; replacement	1943	434
		437
Disposition	1941	685
		686
Agriculture and livestock fund, allocation by county commissioners	1951	297
Application of law	1931	970
		1008
County commissioners		
Authority	1931	476
Control rather than budget commission	1949	272
County hospital, use	1945	261
County school funds		
Allotment to, by county commissioners	1933	421
	1941	304
	1951	403
County veterinarian's salary; use mandatory	1949	197
Distribution		
Can be made only on or about April 15	1933	443
Counties	1935	485
		486
		487
Equal division among counties	1931	935

Subject	Year	Page
RACING (cont.)		
Race track funds (cont.)		
Distribution (cont.)		
Gilchrist county	1955	905
Pasco county	1939	555
	1941	686
Union county, under chapter 19386	1939	554
Highlands county; investment; certificate indebtedness	1949	192
Population basis, application of law	1931	500
Repair of district schools; allocation; expenditures	1945	386
Replacement	1943	436
		438
School board's share		
County commissioners; duties	1945	248
Payment by county commissioners; time	1945	390
Use for other than school purposes	1945	623
	1947	622
School revenue certificates, pledge for	1947	198
Teachers' salaries and school bus transportation, use for paying	1937	175
Race tracks		
Admission prices; tax	1933	4
	1935	487
	1949	484
Certain equipment, rental and service fees; exempt from sales tax	1951	338
Employees		
Persons convicted of felony; continued employment, prohibited	1953	536
Required to be residents and citizens	1939	412
Licensee; pass given to telegraph operator, tax; payment	1933	3
		441
One and same name must be used	1931	882
Operators; bond required with each annual license	1931	448
Parking cars outside, no license required	1933	14
President taking active part in operation; tax requirement	1949	485
Racing commission		
Comptroller has discretionary authority to refuse to pay salaries other than at monthly intervals	1933	444
Construction of law	1931	443
Dog racing		
Permits; distance between tracks	1945	344
Summer dog racing, permit; Broward county; validity	1955	36
Taxation; authority	1945	344
Employees		
Bonds of; premiums; payment, legitimate expense	1933	440
Expense accounts of state officers, chapter 16184, acts 1933 limiting, etc., includes employees of racing commission	1933	440
Fingerprint records and photographs of stockholders, furnishing copies	1951	612
Former stockholder; eligibility to hold office	1949	483

Subject	Year	Page
RACING (cont.)		
Racing commission (cont.)		
General revenue fund, when reserve fund transferable	1933	444
		446
Jai alai		
Discretion in granting permits	1935	490
Miami; application	1935	489
Licensee not required to pay tax on pass given to telegraph operator	1933	441
Licenses		
General manager of tracks, compelling payment; authority	1949	485
Lunchstand operators, etc.; without authority to issue to	1933	25
Occupational, state racing commission may refuse to issue to persons connected with race track	1933	447
Revocation or suspension, evidence necessary	1935	491
Members		
Salaries and expenses of, not payable except upon voucher signed by secretary and chairman	1933	446
Subsistence and travel expenses	1955	193
Suspension; reinstatement; payment of salaries	1955	59
Traveling expenses	1945	623
Newspaper subscriptions, authorized to pay	1933	441
Permits		
Amending; authority	1933	442
Not transferable	1933	442
Reamending applications	1931	440
Person holding stock as trustee; corporate operation race track; eligibility	1949	484
Racing dates		
Fixing		
Authority	1937	466
		467
	1939	413
	1953	539
Limitation		
Return and report to budget commission, required	1931	317
Stockholder with a racing permit; forced sale of stock; authority	1951	613
School bands, performance at race track; prohibited	1953	538
Stock-car drivers; workmen's compensation, coverage under	1951	545
Tip sheets; disabled veteran; license exemption	1957	923
United States property, application of state racing laws	1935	488
RADIO		
Broadcasters; zingo, radio promotion program; whether violative of laws	1959	262
Broadcasting station		
Chapter 12217; construction	1927	240
Copyrighted material, controversy re use	1927	243
Educational institutions, exempt from taxation	1949	226
Installation and operation by board of control at Gainesville	1927	240
		241
License tax required	1937	579

Subject	Year	Page
RADIO (cont.)		
Broadcasting station (cont.)		
Play radio scheme; prize awards; legality	1953	661
Contracts; mutual system university of Florida, execution by board of control	1941	336
Dealers		
Required to pay license	1931	314
Selling automobile radios; license tax	1933	11
Election candidates, advertisement	1951	154
Equipment		
County use; operator's salaries, payment	1951	53
Sheriff's office and automobiles		
Purchase or rent by county commissioners	1947	146
	1949	195
Radio broadcast disc jockey marathon; whether violative of law re prohibition of endurance contests	1957	811
Station; electronic equipment, same frequency as that used by law enforcement officers; legality	1959	489
RADIO STATION WRUF		
Certain compositions, when required to pay for use	1931	412
Operating costs, right to use advertising fund to defray	1939	292
Sale and lease	1939	291
Radiologists; Jackson memorial hospital; fees received from out-patients; whether violative of law	1955	911
Raffles; prize awards; legality	1955	451
RAILROAD AND PUBLIC UTILITIES COMMISSION		
Atlantic coast line; change of rates to conform with rate fixed by commission; legality	1905	106
Audit of accounts	1919	59
Certificated carriers, mileage taxes, report and payment of, on miles traveled within state; requirements	1959	671
Cotton shipment, rebate by railroad company; whether violative of law or rule	1904	35
Expenditures	1933	566
For hire motor vehicles, regulations promulgated as to safety	1939	333
Funds; payment of special council's fee	1945	504
Gas and oil, sales at wholesale to public utilities; jurisdiction	1951	500
Inspector appointed as deputy sheriff; sheriff's fee	1957	198
Printing incurred by; payment out of appropriation	1905	66
Pullman companies, gross receipts, tax on under guarantee; liability	1959	506
Railroad commissioners		
Bids for printing classifications	1905	125
Blockade of railroad	1907	53
Carriers, liability for delivery; requirements	1905	128
Cars		
Furnishing, at certain junction; contract agreement	1905	116
Interstate traffic	1907	35
Intrastate business; rate	1905	121

Subject	Year	Page
RAILROAD AND PUBLIC UTILITIES COMMISSION (cont.)		
Railroad commissioners (cont.)		
Cars (cont.)		
Transferring from one railroad to another; delivery of freights to connecting carriers, etc.	1905	118
Cattle guards; erection	1905	122
Claim for furnishing wrong car	1907	46
Claims for lost baggage	1907	31
Colonial Trust Co. v. F. E. C. R. R. Co. and railroad commissioners	1907	51
		57
		58
Contract		
Common carrier	1907	29
Private company and railroad; violation; remedy	1905	133
Demurrage		
Claims	1907	44
Enforcement	1905	134
Ensign lumber company claims	1905	135
Rules	1907	34
		120
		136
Interstate shipments; reshipment within state	1905	123
Joint rates, power of commissioners to prescribe	1905	136
Lumber shipments; freight and demurrage charges	1905	112
Mercer-Muller Company v. A. C. L. R. R. Co.	1907	40
		41
Paul and Waymer Lumber Co. v. A. C. L. R. R. Co.	1907	42
Railroad crossing; erections	1905	122
Repair of cars	1907	34
Request for services of inspector	1907	98
		131
Rule three of commissioners; validity	1905	129
Soliciting business on trains; within the power of railroad companies	1905	105
Southern Pine Lumber Co. v. A. C. L. R. R. Co.	1907	41
Steamboat companies, jurisdiction as	1905	110
Supervision over motor vehicles	1931	763
Toll bridge and charges; power	1905	131
Tracks, fencing railroad; requirements	1905	122
Transmittal of conduct of cases to special counsel	1907	60
Weighing of cars; requirements	1905	132
Railroad companies		
Cattle guards and crossings; plantations, farms, etc.; erection, required	1904	59
Railroad crossings; plantations, farms, etc.; erection	1904	59
Railroad service; method of procedure for improving	1905	102
Railroad taxes; commissions of tax collector	1937	99
Rebates on certain cotton shipments by railroad company; whether violative of law or rule	1904	35
Refrigerated transport company, foreign carrier; certificate issued to engage in intrastate operation; effect upon reciprocal agreement involving interstate operation	1959	65

Subject	Year	Page
RAILROAD AND PUBLIC UTILITIES		
COMMISSION (cont.)		
Salaries	1935	500
Southern governors' freight rate case; payment of special counsel's fee, etc.	1945	504
Telephone engineer may hold position of inspecting engineer	1925	77
Tolls on Gandy bridge, jurisdiction over	1937	473
Transportation of trailers for compensation; return trips; mileage taxes	1955	404
Witness fees advanced by assistant attorney general; reimbursement	1949	395
RAILROADS AND COMMON CARRIERS		
Acreage per mile granted to certain railroads	1935	817
Aeroplanes or seaplanes subject to license tax, when	1931	695
Agents or officers authorized to carry pistols, when	1931	817
Annual reports; resident agents for service of process; construction of statute re requirement	1957	805
Atlantic coastline; change of rates to conform with rate fixed by commission; legality	1905	106
Cars		
Claim for furnishing wrong cars	1907	46
Furnishing of, at certain junction; contract agreement	1905	116
Interstate traffic	1907	35
Parlor cars, license tax	1907	91
Repair	1907	34
Transferring of, from one railroad to another; delivery of freights to connecting carriers, etc.	1905	118
Cattle guard; erection	1905	122
Charter, governor authorized to sign	1925	99
Claims		
Damages for; unsatisfactory service	1905	108
State lands	1937	627
Company required to make return to comptroller	1933	142
Contracts	1907	29
Private company and railroad; violation; remedy	1905	133
Corporate name of another, use; authority	1907	30
Crossings; erection	1905	122
Delivery, carriers' liability for negligence	1905	128
Discrimination by railroad companies	1907	187 205
Exhibitions on cars should pay license tax	1939	518
Florida Railway Co. v. A. C. Croom et al.; communication to comptroller	1907	126
Freight		
Charges; refund	1923	167
Rate and classification	1905	115
Grants	1935	817
Intangible personal property; assessment	1947	220
Interstate shipments; reshipments within state	1905	123
Interstate sleeping cars, licenses	1921	162
L. & N. properties; value	1905	122

Subject	Year	Page
RAILROADS AND COMMON CARRIERS		
(cont.)		
Lands		
In hands of receiver, tax certificates	1933	104
Mortgaged encumbering property in two or more counties; effect upon contiguous and/or non-contiguous lands	1959	97
Leasehold interests in lands; tax assessment	1953	244
Lessees of, not subject to license	1919	183
Livestock, transportation, improperly fed, watered, etc., claim for damage	1905	108
Locomotive engines, headlights, use	1905	189
Lumber shipment; freight and demurrage charges	1905	112
Merchandise for transportation, weighing of cars; requirements	1905	132
Negligence by, handling of deliveries; damages	1905	115
Paul & Waymer Lumber Company v. A. C. L. R. R. Co.; communication to R. Hudson Burr regarding	1907	42
Police officers, removal by governor	1921	92
Properties conveyed as railroad part of employees' pension plan, tax assessment	1959	85
Property leases subject to documentary stamp tax	1933	47
Pullman company; sale of intoxicating liquors on cars unlawful	1933	327
Railroad assessment board		
Assessments made; change by county board of equalizers; without authority	1957	661
Clerk, authority to employ	1933	459
Distribution of assessment values among municipalities; power to determine	1941	200
Railroad properties conveyed as railroad part of employees' pension plan, tax assessment	1959	85
Railway trains; canvassing on, prohibited	1915	240
Right of way over state school lands; title	1945	506
Rolling stock; assessment by drainage districts; subject to taxation	1949	245
Secretary of state should accept certain tax	1927	155
Service; method of procedure for improving	1905	102
Soliciting of business on trains; within power of company	1905	105
Suits, private parties; lost merchandise	1905	109
Taxation		
Assessments	1921	101
Cancellation of taxes	1925	149
Conditions incident	1937	587
Delinquent taxes; tax collector not entitled to commission for collecting	1923	98
Federal control, while under	1933	233
Municipality authorized to fix values	1917	478
Reincorporated municipality	1931	799
Tax legally due	1947	220
Taxes on personalty, assessment and distribution	1911	57
	1927	172

Subject	Year	Page
RAILROADS AND COMMON CARRIERS (cont.)		
Taxation (cont.)		
Ten dollars per mile	1907	127
Trackage of railroad; license tax	1933	8
Tracks		
Fencing; requirements	1905	122
Rights of way, stations; lands encumbering two or more counties; effect	1959	97
Workmen's compensation act		
Employees excluded from benefits	1939	349
Exemption from	1935	531
RAMIE		
Fiber production plants; exemption from taxation	1947	275
Produced by convict labor; sale	1945	760
Range rider; dipping cattle, duty as to	1927	336
Rape; conviction; mercy recommended to court; penalty imposed	1957	520
Raulerson, J. D.; compensation and claims as clerk circuit court	1939	25
RAW MATERIALS		
Defined, state prison industrial trust fund	1951	790
Used in furnished products exempt from taxation	1937	531
Rayon yarns; manufacturer, exempt from taxation	1933	89
REAL AND PERSONAL PROPERTY		
Assessments; mineral rights separate	1943	206
Married women; joinder by husband and wife in lease	1943	484
REAL ESTATE AND REAL PROPERTY		
See also: LANDS; TAXATION		
Adjacent to river; posting by owner; travel, hunting and fishing	1949	574
Agreements not to encumber or transfer real property, given in connection with certain existing liens; taxability	1959	760
Aliens; right to purchase	1945	770
Assessments		
Buildings; removal, effect	1949	225
Realty shown on subdivision map or plat, where no formal dedication has occurred, tax situs	1959	136
Avon Park air base, governor may cede to United States	1949	20
Beaches; drainage districts; establishment; protection	1951	450
Board of forestry and parks; sale; disposition of funds	1943	455
Bond		
Estreature judgment lien; re-lease	1945	310
Title for; documentary stamps; requirements	1951	314
Boy Scout property; tax exemption	1949	220
Broker; registration of nonresidents	1945	590
Business situs defined for taxation purposes	1939	472
Cemetery, held for future use as; tax situs	1953	214
Certificates cancelled; widows entitled exemption	1949	239
Charitable trusts held for future use; taxability	1957	142
Churches		
Tax exemption	1951	281
Undivided interest, taxation	1951	276
Vacant lots owned by; when exempt from ad valorem taxes	1957	797
Combination dwelling and business house; homestead exemption situs	1953	313

Subject	Year	Page
REAL ESTATE AND REAL PROPERTY (cont.)		
Contracts		
Sale and conveyance; intangible tax	1947	235
Without acknowledgment; expunging from record	1945	714
Conveyances		
Husband and wife, by; form of deed	1947	576
Remove clouds from title of real property; taxability	1959	763
Council for blind; power to take title, etc.	1947	434
		435
County commissioners		
Improved realty, purchase where payment is made by deferred installments; authority	1953	930
Purchase of real property from board member; violation of law	1957	901
County property		
Appraisal; expense payment	1953	156
Conveyance; authority vested in county commissioners	1931	516
Leased property not exempt from taxation	1931	480
Levy and seizure to satisfy judgment, not subject to; how judgment may be enforced by mandamus	1931	472
Sale		
County commissioners, authority	1945	243
		312
Private; authority of county commissioners	1949	172
Department of public safety, purchase	1945	495
Deposit receipts; documentary stamp tax	1947	224
Donation by county	1945	454
Drainage canal privately owned; taxation	1947	175
Easements; width of roadway, requirements	1951	497
Erroneous sale by county; refund	1945	303
Escheating to state	1925	235
Estero, town of; special tax on property	1905	99
Execution writ; levy; sheriff's duties when title in third party	1949	45
Florida board of forestry		
Disposition; authority	1949	332
Lands for historic park, may lawfully acquire	1949	509
Foreign judgments; foreign judgment book and judgment lien record; entry required	1949	35
Freeholder status; election requirements	1949	203
Full cash value, assessments	1949	233
Game and fresh water fish commission		
Assessment invalid	1949	400
Drainage districts; assessments questionable	1949	345
Gift; use limited for playground purposes; authority of school board to accept	1953	635
Held in trust; homestead tax exemption claimed; assessment	1955	104
Indigent owners; aid to; county commissioners' duty	1953	151

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
REAL ESTATE AND REAL PROPERTY (cont.)			REAL ESTATE AND REAL PROPERTY (cont.)		
Individually owned; used for religious purpose; tax liability	1951	280	Property held as site for educational purposes	1959	649
Instrument granting easement; interest in property; post office address of grantee, requirement	1955	312	Property tax assessment roll unequal; validity	1949	216
Insurance; nonadmitted insurer; property owner	1949	533	Protection by county commissioners; drainage	1945	236
Intangible tax lien; priority	1945	333	Public lands		
Interest in, conveyance; documentary stamp tax, not liable	1953	265	Development of petroleum and mineral interest	1943	299
Investments in real property trusts as securities subject to regulations	1957	340	Sale contracts		
Judgment, recording of in official record book; lien against real estate	1957	119	Tax sale certificates, disposition	1951	432
Lake bottoms; ownership, taxation	1947	178	Taxation, limitation	1951	432
Land trusts, interest of beneficiary in this state; nature of, etc.	1955	828	Public road, establishment by prescription; duty of county commissioners	1951	497
Lands mortgaged encumbering property in two or more counties; effect upon contiguous and/or non-contiguous lands	1959	97	Public work, construction; status under certain conditions	1929	402
Leased from city, improvements by lessee; taxability	1959	765	Railroad tracks, rights of way, stations, lands encumbering two or more counties; effect	1959	97
Leasehold interest in property of state, county, etc., tax situs	1957	546	Rededicated subdivision parks, etc.; taxability	1957	20
Leases			Religious associations; failure to file claim for tax exemption, right to exemption	1953	224
Documentary stamp tax	1947	227	Remaindermen, homestead exemption	1951	349
Educational association, leased by, solely for educational purposes; not exempt from taxation	1933	88	Resident of Florida, sale of property outside of state; not criminal violation of chapter 475, F. S.	1959	678
Long term			Resubdivisions; assessment	1947	193
Homestead exemption, liability	1951	278	Riparian rights		
Subordination of fee to mortgage lease; tax situs	1957	550	Lands abutting on a street dedicated to the public; owner's rights	1957	17
Municipality, leased to; used as parking lot; tax situs	1957	561	Separate assessment; Murphy act deed	1951	290
Life estates; homestead exemption, extent	1953	314	Road intersecting large tract; trespassing from road	1949	574
Mortgages See: MORTGAGES			Sale		
Municipal property			Levied upon under judgment; proof of publication; requirements	1951	85
Auditorium, swimming pool; negroes' use; county school funds not authorized	1949	308	Non-payment of taxes; county commissioners' duty	1955	76
Lands, tax on	1959	88	Title vested in county	1943	220
Lease; county taxes; liability	1951	284	School district tax funds; stadium; construction	1949	290
Public purposes					308
Leased for wartime airport; tax exemption	1949	214	School property		
Not used for; tax exemption	1947	184	Exchange; authority of county board public instruction	1949	296
Municipalities; Murphy act lands; Ft. Lauderdale, city of; sale	1949	221	Grandstand, county commissioners no authority to build	1949	176
Murphy act land; cities no power to tax while state owned	1949	213	Insurance required	1949	301
Omitted in tax roll, to be assessed	1933	122	Municipal special assessments, not allowed	1951	431
Original judgment or decree, recording; lien	1953	51	Seminole Indian reservation; leasing, fencing, posting	1943	304
Outstanding tax sale certificate, disposition after county foreclosure	1955	882	Social club, plumbers and fitters, tax liability	1951	282
Owner of property formerly within city limits; bonded indebtedness, payment; taxability	1959	255	South Florida hospital; commissioners; authority to acquire, dispose of	1949	177
Posted; conservation officer entering without search warrant	1951	504	Sovereignty land conveyed by trustees, right to subsequent accretions	1957	802
Professional property appraisal company, employment, as well as appointment of board of appraisers; commissioners without authority	1957	737	State board of health		
			Acquisition of certain property from city of Pensacola	1947	414

<u>Subject</u>	<u>Year</u>	<u>Page</u>
REAL ESTATE AND REAL PROPERTY		
(cont.)		
State board of health (cont.)		
Conveyance of real property; consideration; authority	1955	877
Power to acquire and convey	1947	413
State owned land, use of by local water control authorities created by special acts	1957	321
State plant board purchase, title	1953	565
Subdivided lands not below normal high tide; taxation	1947	178
Subdivision; assessment of lots in, where less than 60% sold; tax liability	1955	710
Subordination agreements; fee to mortgage lease; tax situs	1957	550
Subsurface interest; recording declaration; clerk's fee	1945	368
Successive works of improvement, assessment for special benefits	1957	244
Taxation See: TAXATION		
Title insurers		
Minimum investment requirements	1947	536
Regulation of rates	1945	669
Title, vesting; condemnation proceedings; time	1951	87
Transfer; county board public instruction; school trustees	1949	309
Trespass		
Hunting on enclosure not posted; prosecution	1953	567
Legal posting		
Enclosed lands	1957	430
Unenclosed lands	1957	430
Trustees internal improvement fund; taxation of property in central and southern Florida flood control district	1949	251
Undivided interests		
Homestead exemption, remainders; eligibility	1955	113
Tax assessment	1955	158
Unneeded school property; lease	1947	320
Use for public worship but not owned by church, not exempt from taxes	1933	88
Westcott estate; sale of; board of control; as substituted trustee; authority	1949	325
Widow's and disability exemptions, to same person	1953	219
REAL ESTATE BROKERS AND SALESMEN		
Cemetery lot salesman, license requirement when no title passes	1959	132
Certain fees should be returned	1925	281
Corporations, when qualified as, must pay license tax	1923	295
Licenses	1927	434
County occupational license, certain counties; residence requirements	1953	289
Holder of registration certificates, liability	1937	579
Issuance	1923	240
Law; construction	1927	280
Municipal tax; limitation	1951	258
Occupational		
Requirement	1955	733
		820
Taxes not abolished	1927	171
Payment of tax	1925	280
Requirements	1925	177
		324
	1931	971

<u>Subject</u>	<u>Year</u>	<u>Page</u>
REAL ESTATE BROKERS AND SALESMEN		
(cont.)		
Licenses (cont.)		
Residence requirements	1953	289
Tax		
Amount required	1927	280
Collection	1927	173
Listing in municipality other than place of business; license requirement wherein such property is located	1959	688
Real estate appraisers employed by commissioners under supervision of tax assessors; authorized	1957	862
Real estate brokers, salesmen as employees; workmen's compensation payments	1955	520
Real estate commission		
Agents; appearance before court	1925	280
Appeal from orders	1947	466
Auctioneers, when required to pay license tax	1925	280
Certain fees should be returned	1925	281
Expenses, payment, in certain cases	1929	227
General law in relation to prior population and special acts; construction	1957	354
Licensing brokerage partnership; construction of chapters 11336-12223	1927	282
Members, appearance in court	1925	280
Occupational tax, real estate brokers and salesmen; construction of chapters 11336-12223	1927	280
Powers, constitutionality of proposed law	1945	85
Registration fee not construed as occupation tax	1927	173
Registration of nonresident as broker	1945	590
Resident of Florida, sale of property outside of state; not criminal violation of chapter 475, F. S.	1959	678
Statute construed	1925	177
Workmen's compensation act		
Construction in re	1939	360
Salesmen as employees of brokers	1955	520
Real estate commission See: REAL ESTATE BROKERS AND SALESMEN		
Real silk hosiery; sales managers and solicitors, occupational license tax	1955	854
Reapportionment; legislative representation	1945	79
		81
		84
Rebates; cotton shipment; allowed by railroad company; whether violative of law or rule of railroad commission	1904	35
Recall elections See: ELECTIONS		
RECEIPTS		
Issuance for payment of school taxes	1933	145
Poll tax; back dating, legality	1923	99
RECEIVERS		
Court appointed; businesses; occupational license taxes; operation receivership only	1949	269
Powers	1927	170
Recess; legislature, extraordinary session	1955	200

<u>Subject</u>	<u>Year</u>	<u>Page</u>
Recipients of public aid See: WELFARE		
Reciprocal insurance See: INSURANCE		
RECIPROCAL AGREEMENTS		
Foreign carrier; certificate issued to engage in intrastate operation; effect upon reciprocal agreement involving interstate operation	1959	65
Maintenance tags; commissioner may waive statutory requirements	1949	359
Mileage taxes; state of Georgia; petroleum carrier corporation exempt	1949	364
Motor vehicles; consummation by commissioner	1941	401
Reciprocal enforcement of support act; court costs, payment requirements when mother is indigent	1959	144
Reciprocity; inheritance and estate taxes between states	1953	245
RECKLESS DRIVING		
Arrest and search of person and car by sheriff; authority	1925	382
Law applicable	1931	844
RECONSTRUCTION FINANCE CORPORATION		
Documentary stamp tax on preferred stock of bank purchased	1933	42
Federal courts; jurisdiction	1933	635
Note secured by mortgage; excise tax	1947	228
Persons acting for, free from liability for accident, etc.	1931	423
RECORDS		
Affidavits of domicile; recorded in books provided by clerks of circuit court	1949	36
Board of administration; consolidation of investment accounts	1943	324
Bureau of vital statistics; microfilming and destruction of divorce records	1947	418
Cattle dipping card record; form	1947	519
Certificate of registration, nurses	1945	574
Certificates of separation; admission to record	1945	107
Clerks, circuit court		
Books provided by county commissioners	1933	242
Deeds	1943	115
Improperly recorded instruments, duty to remove	1929	298
Mortgages, deeds, etc. acknowledged; entitled to record	1949	562
Reindexing by; classification of compensation and expenses	1947	167
Tax sale certificate, transfer recorded	1949	239
Convictions; compensation to clerks; certification of names of convicted criminals	1949	36
Council for blind; obsolete records, destruction	1955	639
Death certificate, recording; clerk's office	1953	18
Decree enforcing lien	1945	155
Deeds; post office address of grantee	1945	107
		714
Delinquent tax list; requirement	1904	66
Destruction		
Industrial commission	1943	379
No authority	1931	420
Disposition; state board of accountancy	1943	414

<u>Subject</u>	<u>Year</u>	<u>Page</u>
RECORDS (cont.)		
Hotel and restaurant commission; plans and specifications, destruction	1951	598
Hotels, registration, departure and arrival	1949	470
Information, public entitled to obtain without charge	1933	589
Instruments; Florida probate law	1949	564
Judgment lien record; necessity of recording decree enforcing lien	1945	155
Judgments; recording and indexing of; requirements	1959	740
Justices of peace; transfer to criminal court of record not required	1949	66
Land surveys, recording and filing; requirement	1957	118
Lime and avocado commission; inspection	1955	588
Marriage licenses	1935	732
County judge; duties	1945	721
Massage board; public nature	1947	134
Merit system, furnishing certain records for publication, duty re	1959	519
Microfilm negatives of public records, abstract companies furnished with; public officials, authority	1957	338
Minors' adoption records, confidential; takeoffs for abstract work; access	1955	333
Motor vehicle registrations; county tax assessor's office; public records	1953	126
Office, belonging to; disposition	1951	249
Official record books, loose-leaf, disapproved	1917	87
Patents from United States government to Florida lands; unnecessary to record in counties	1904	28
Persons convicted of crime, clerk's fee	1933	251
	1955	281
Plant board; confidential nature	1945	643
Plats and maps, when subject to	1925	384
Proofs of publication; duty of clerks	1947	47
Public		
Inspection; merit system	1949	165
State welfare warrants; federal restrictions; exemptions	1949	165
Veterans; certified copy without charge	1949	343
Public inspection		
Applicants, examination grades	1951	216
Authority	1933	588
	1937	100
	1951	217
Court registry record book		
Florida board of massage; secretary-treasurer, duty	1951	588
Public officials should furnish certified copies of their records to United States veterans bureau without cost	1933	588
Racing commission; applications open to inspection	1953	543
Registration; change of party affiliation	1949	145
Reports of venereal disease; confidential nature	1947	420
Sales tax records; public and confidential; inspection by public	1957	680
Satisfaction of mortgage; witnesses not required	1949	36

<u>Subject</u>	<u>Year</u>	<u>Page</u>
RECORDS (cont.)		
Sheriff's office		
Complaint records, inspection by press or public prohibited	1957	189
Investigative and M. O. files used in connection with criminals; inspection by press or public prohibited	1957	189
Signature identification slips of municipal election, inspection by county solicitor	1951	182
Small claims court; place for keeping	1951	79
State financial, no authority for destruction	1931	420
Taking from office to be bound	1913	181
Tax assessor's office, subject to public inspection	1957	316
Tax collector; county judge; destruction before twenty years	1955	751
Unacknowledged contract; duty of clerk to expunge	1945	714
RECREATION CENTERS AND PLAY- GROUNDS		
County funds; authority of commissioners to disburse for construction	1945	552
Extension, repair, maintenance; tax levy; powers of county commissioners	1949	235
Fire insurance proceeds of building of city and county destroyed by fire, use	1953	147
Operation; jointly by county, municipality and board of public instruction	1951	379
Publicly owned, leased to nonprofit organization	1953	147
School property		
Conveyance; power of county commissioners	1949	433
County and city construction public swimming pool	1949	433
Recreational facilities; within subdivision, tax exemption; apportionment of taxes	1957	166
Recreational park, public; liability insurance for coverage; county commissioners, authority	1957	37
Recruiting labor; law applicable, in this state	1917	166
Reducing equipment; operators; occupational license tax; requirements	1959	253
Referendum elections See: ELECTIONS		
Refunding contracts; approval by board of administration	1941	141
Refunding plan; school indebtedness; approval by state board of education	1941	311
REFUNDS		
See also: Specific heads		
Alcoholic beverage license, overpayment	1951	344
Beauty culture; fees; examination, certificate	1943	417
Bonds; payment of fee	1943	241
Capital stock tax	1943	459
Cities; contributions; police officers' insurance and annuity fund	1949	212
County tax deed; property improvements; sums paid	1949	241
Domestic insurers, premium receipts tax exempted; claims	1951	268

<u>Subject</u>	<u>Year</u>	<u>Page</u>
REFUNDS (cont.)		
Filing fee; candidates; withdrawal of name	1949	135
Firemen's relief and pension fund; employment terminated	1951	267
For hire tag, not authorized	1931	382
Gasoline tax refund		
Application, invoices attached	1955	305
Equipment used for agricultural purposes	1953	292
Losses due to evaporation and shrinkage; application for refund, time for filing	1959	356
Method of making	1953	291
Insurance examination fees for license as agent, solicitor or adjuster; prohibited	1959	604
Motor vehicles, license fee	1955	320
Municipal contributions, police officers' insurance and annuity fund; state treasurer	1951	275
Municipality; overpayment of interest by state school fund	1949	282
Overcharge on oil shipment	1923	167
Resolutions; notes	1943	269
Unemployment compensation law	1943	385
Use taxes, application for refund; limitation	1953	304
Regional housing authority See: HOUSING AUTHORITIES		
REGISTERED MAIL		
Nonresident, service of process, certified mail in lieu of	1955	366
Small claims court, service of notice; certified mail in lieu of	1955	221
		230
Registered owner; definition	1941	384
Registrar; dogs; county judge's fees; Duval county	1949	196
REGISTRATION		
See also: ELECTIONS		
Agricultural cooperative marketing associations; sale of securities	1949	478
Aircraft		
Corporation stock; outstanding warrants for stock; securities commission	1949	480
Mileage tax refunds	1949	379
Alcoholic beverages; fees	1953	548
Barbers' certificates to practice; fees; renewals	1949	460
Chapter 12005, required under	1927	249
Corporations, sale of securities to nonresidents	1953	529
Electors See: ELECTIONS		
Extended corporate limits of town of Carrabelle	1907	204
Felons		
Registration requirements with municipal officer; probationers or parolees under supervision of commission; not relieved of	1957	267
Special federal census; application	1955	270
Fictitious name law; statutory requirements	1949	588
Florida securities commission; agents and salesmen	1949	475
Foreign vehicles; title certificates	1949	353
Hotel guest books; preservation; discretion hotel operator	1949	470
Hotels, motels, etc., guests; requirement	1953	514
Junior operators; legal requirements; beauty culture law	1949	461

Subject	Year	Page
REGISTRATION (cont.)		
Motor vehicles		
Farm tractors; trailers; licenses	1949	365
Nonresidents, registration not required	1929	282
Sale pursuant to prohibition laws; method	1929	283
Title certificates; legislative intent	1949	353
Nurses, fee	1933	453
Professional engineer; county engineer; requirements	1949	458
Pure seed labeling law, fee; veterans not exempt from payment	1939	454
Seed dealers; vegetable seed produced by; registration requirement	1955	725
Unconditional pardon, effect on felon	1927	413
Registration books See: ELECTIONS		
Registration certificate		
See: Certificates under ELECTIONS		
REGISTRY OF COURT		
Clerks, circuit court; fees	1951	42
Computation on sums deposited	1955	238
Condemnation proceedings; payment	1953	21
Deposits	1935	253
Disbursement	1945	109
Payments	1951	42
Receiving; disbursing	1949	37
County funds		
Disbursement; clerk's fee	1945	109
Drafts against, payment before receipt; state treasurer, liability	1951	85
Juvenile court; keeping and disbursing	1949	77
Record book, public record for inspection	1951	217
State treasurer; deposit and handling	1955	674
Transfer	1945	154
County judge-county judges' courts; deposit of funds with state treasurer	1937	131
Funds		
Depositories, designation of	1959	513
Unclaimed fiduciary fund paid into; withdrawal, compensation of clerk	1959	523
Moneys paid into; disposition	1943	100
	1945	132
	1945	154
State treasurer; funds, deposit with	1937	131
Handling and disposition	1955	674
Unclaimed moneys		
Adjudication	1943	100
Transfer	1945	154
Procedure	1943	132
Reinsurance See: INSURANCE		
Relationship See: NEPOTISM		
RELIEF		
Claim bills; statutes of limitations; payment allowed, etc.	1955	109
Death of beneficiary under; effect	1933	585
L. S. Oliver; word appropriate unnecessary	1937	13
P. D. Shuping; method of payment; source	1947	372
Religious doctrines; propagation in public schools	1917	97

Subject	Year	Page
RELIGIOUS ORGANIZATIONS AND INSTITUTIONS		
Annuity contracts do not constitute insurance	1937	152
Church property used for administrative purposes; tax exemption	1947	625
Churches, vacant lots owned by; when exempt from ad valorem taxes	1957	797
Claim for tax exemption, failure to file; right to exemption	1953	224
Insurance annuities in return for gifts; nonprofit religious or charitable organizations; whether constitute business of	1957	658
Intangible personal property tax; exemption	1955	409
Promissory notes; exemption from documentary stamp tax	1947	230
Vacant lots owned by; taxability	1957	873
RELIGIOUS SERVICES		
Holding in school building; authority	1915	182
Jail halls or corridors; discretion of sheriff	1957	297
Remaindermen; residing on lands, making same their permanent homes, homestead tax exemption, eligibility	1959	492
RENT		
Eviction; small claims court, jurisdiction	1951	90
Itinerant; Jacksonville Beach; excise tax, levy	1953	178
Rent control; governor's duty as to resolutions of municipalities	1949	27
Rent-a-car agency; managers; limited travel accident licenses without examination; eligibility	1957	216
RENTAL PURCHASE AGREEMENT		
Contracts, no time limit	1949	171
Machinery; competitive bidding required	1949	170
Repeal; section 907, C. G. L.	1927	58
Repealed statutes See: STATUTES		
Replevin; personal property, to be used as evidence	1951	88
REPORTS		
Accident reports, inspection of; construction of law, re	1955	849
Clerks, circuit courts; not entitled compensation for making	1949	189
Comptroller; retailer; number of chain stores; tax liability	1949	260
County officers; requirements for making	1933	197
Compensation not allowed	1949	159
Enrolling; reference by number alone; rules and regulations; authority, legislature	1949	23
Florida securities commission; no authority to furnish public with	1949	476
Small loan businesses, confidential records; public inspection	1957	88
Representative or senator See: LEGISLATURE		
REPRIEVES		
Arrests of convicts after expiration	1939	60
Two or more successive	1921	59
Republicans; school bond elections; clerks and inspectors; one allowed	1949	152
REQUISITIONS		
Grand jurors, witnesses pay; requirements	1904	39
State employees; signature; department heads to sign; execution of vouchers	1949	29

<u>Subject</u>	<u>Year</u>	<u>Page</u>
REQUISITIONS (cont.)		
United States treasury; appointment of persons to sign	1939	346
RESEARCH WORK		
Contributions by state board of health, deposit and disbursement	1937	252
Money appropriated for agricultural experiment station, when may be used	1939	15
RESERVE OFFICERS		
Commissions; state or county officers authorized to hold	1929	334
Entitled to pay as member of instructional staff in schools while attending compulsory course	1939	215
RESIDENCE		
See also: CITIZENSHIP		
Agent of corporation	1933	554
Blind, aid to; infant recipient; residence requirement on reaching majority	1951	537
Citizens	1935	701
Construction	1935	519
Definition	1923	272
	1957	411
Fishing license requirement	1955	619
Divorce	1935	750
Electors, registrations; requirements	1953	69
Florida citizen, welfare care in another state; legal residence not affected	1953	464
Florida state hospital; insane person; requirements	1949	421
		423
Game and fresh water fish commission; definition	1955	619
Government reservation, residing on; qualifications of electors	1951	100
Homestead exemption; persons drafted or called into service	1949	227
Hunting and fishing licenses; requirements	1953	432
Industrial commission, employment; requirement	1955	505
Inmates, Florida state hospital	1935	770
Insane persons	1935	766
Institutions of higher learning; admission without pay; requirements; no definite rule	1949	319
Intent of person	1935	794
Justice of peace; requirements	1905	140
	1951	118
Medical school students; requirements	1953	335
Naturopathic physicians, licensing; residence requirements	1959	480
Permanent domicile; tax exemption; definitions	1949	218
Permanent residents; limited sales tax law; definition	1949	279
Personal property; \$500 exemption	1933	99
Heads of family entitled; citizenship not required	1949	217
Proof, certificates; homestead exemptions, claims; effect	1951	355
Real estate brokers and salesmen, county license; requirements	1953	289
School board members		
Changing residence	1949	300
District residence requirement	1955	529
School board not authorized to charge tuition when parents are bona fide residents	1939	190

<u>Subject</u>	<u>Year</u>	<u>Page</u>
RESIDENCE (cont.)		
School district trustee; qualification	1941	262
School for deaf and blind, admission requirements	1949	329
Sheriffs; requirements	1951	54
Soldiers and sailors	1935	750
Special deputies, residence requirements	1959	601
State attorney and assistant state attorney in same county; effect of law	1957	4
State, children born outside of Florida; welfare aid, eligibility	1951	531
State employees; continuous residence required; exceptions	1957	518
Taxation; homestead exemptions; requirements	1949	284
Tuberculosis sanatorium, patients admitted; requirements	1953	453
Two year resident requirement; temporary absence; effect	1957	411
Undertaker living outside of state, bureau of vital statistics not authorized to refuse burial or removal permit to	1939	313
University of Miami, school of medicine; requirements	1953	342
Wife of soldier, registration; requirements	1951	107
RESIDENT AGENT ACT		
Corporations must comply with law in appointing agents	1927	139
Designation of agent, penalty	1927	140
Dissolution; interpretation	1927	145
Penalty for not complying with	1927	143
State attorney should enforce certain provisions	1927	140
Suspension and remission of forfeitures incurred by failure of corporations to comply	1927	143
RESIGNATIONS		
Assistant state auditor; effective date	1939	225
Honorable Fred H. Davis, attorney general	1931	221
Resolutions; interposition resolution; meaning, legal effect of	1957	104
RESTAURANTS		
Alcoholic beverage, special licenses; operation of package store; sale of beverage for consumption off premises	1957	343
Beverage licenses; limitation quota	1951	620
Black bass, serving	1935	661
Board of forestry and parks; erection and operation; no liability for license fees	1949	468
Construction plans; approval by supervising architect of hotel and restaurant commission; authorized	1957	861
Dance hall operated in connection with; license tax	1947	266
Defense projects	1943	429
Fire extinguishers; equipment	1937	618
Fresh water fish on menu; dealers' license not required	1949	401
Guest, refusing accommodations or services, authorized, etc.	1959	304
Handlers of food, examination	1929	268
Hotel buildings; license tax; exceptions	1945	350
Interpretation	1941	667

<u>Subject</u>	<u>Year</u>	<u>Page</u>
RESTAURANTS (cont.)		
Licenses		
Building leased by state agency; requirements	1949	470
Classification	1941	662
Taxability	1941	228
Construction of law	1931	694
Fees charged by municipalities	1935	493
Issuance by hotel commission; definition	1945	609
Liquor license, special, holder; employment of minors under certain circumstances; prohibited	1959	322
Resale of oysters	1913	134
Traveling concessions	1941	667
Use of one license at various locations	1949	473
School lunchroom; service of oleo-margarine	1943	429
Serving negroes; hotel commission has no regulations	1949	469
Shipyards, operation at; jurisdiction of hotel commission	1943	427
		429
Veterans; disabled; exempt licenses, sum \$50.00 only	1949	261
Restoration to mental competency; person declared incompetent in criminal court of record; county judge without jurisdiction	1957	744
Retail farm equipment association, Florida; group accident and health insurance; issuance to members; eligibility	1951	684
RETAIL INSTALLMENT CONTRACTS		
Interest limitation (ten dollars per hundred dollars per year); final payment large or balloon type; legality	1959	733
Motor vehicle sales finance act; refund of unearned charges, entitled to	1957	762
Retail installment revolving account; contract or agreement, documentary stamp, taxability	1959	432
RETAIL INSTALLMENT SALES ACT		
Bank charge plan agreement; whether within the purview of	1959	446
Installment contracts, construction; application of law	1959	764
Licenses and license transfers; licensee or location	1959	521
Revolving accounts; documentary stamp, taxability	1959	410
Written obligations to pay; documentary stamp, taxability	1959	432
RETAIL STORES		
Advertisement; neon sign words sundries and medicines violation of law	1949	454
Appreciation day scheme, free coupons for prizes; whether violative of lottery laws	1951	750
Certain display signs unlawful	1931	417
Coupons, required to pay license tax when issued	1931	705
Each place of business using trading stamps subject to license tax	1931	848
Favored in state contracts; interstate commerce clause; no violation	1949	338
Itinerant, law construed	1931	700

<u>Subject</u>	<u>Year</u>	<u>Page</u>
RETAIL STORES (cont.)		
Licenses, fish dealers operating under		
	1935	643
Merchants; levy on after acquired merchandise	1935	121
Milk, sale; licenses; change of location	1935	586
Municipalities may levy twenty-five per cent of state license tax	1931	961
New grocery store; free merchandise; gambling laws	1949	587
Orders and deliveries	1921	332
Popularity contest, prizes; whether violative of lottery laws	1951	748
Report to comptroller; tax liability; number of chain stores	1949	260
Sales		
Deferred payment obligations; assignments to nonresident banks; taxable situs	1951	312
Lotteries	1935	791
Salesboards, when operation lawful	1931	804
Selling coffins, not required to pay license tax	1931	704
Trucks; occupational license taxes; Jennings, town of	1949	261
RETAINED TITLE CONTRACT		
Documentary stamp tax on	1933	48
Purchases of certain documents from dealers in personal property at a discount, etc.; not governed by	1957	283
Removing personal property from state	1931	586
Unpaid balance, tax liability	1953	316
RETIREMENT SYSTEMS		
Appropriation; funds, transfer not required	1949	167
Average final compensation, de-termination	1957	127
Back compensation; retirement of employees more than sixty years of age	1955	645
Bradford county hospital corporation; officers and employees; county retirement benefits	1955	537
Circuit judges	1939	81
Entitled benefits only upon compliance, provisions year 1945	1949	74
Rights acquired under chapter 38, F. S.; retirement under chapter 123, F. S.; eligibility	1957	560
Withdrawal from system; refund of contributions	1947	33
Civil defense department employees, eligibility	1959	541
Clerk, circuit court; indebted to county	1949	193
		318
Contributions		
Dr. John J. Tigert	1947	123
Refund; member of former state and county system	1957	32
County employee service credit for state and federal employment; computation	1959	25
County officers and employees		
Appropriation for expenses; use of unexpended balance	1945	262
	1947	168
Benefits; loss through paying group insurance premiums	1945	243
Clerks and secretaries of justices of peace; eligibility	1953	162

<u>Subject</u>	<u>Year</u>	<u>Page</u>
RETIREMENT SYSTEMS (cont.)		
County officers and employees (cont.)		
Contributions, refunds; death of contributor before refund; entitlement	1953	130
County judge		
Aggregate number years' service; eligibility	1949	192
Contributions; eligibility	1945	203
County-municipal veteran's service officer, retirement benefits, eligibility	1955	542
Day laborers; credit for service	1953	131
Delayed contributions; effect	1945	204
Democratic congressional committee membership; eligibility not affected by	1949	193
Drainage districts, officers and employees; eligibility	1951	218
Florida Keys aqueduct commission; employees not eligible	1949	168
Forfeiture of benefits through entering municipal employment	1947	169
Furlough without pay; effect upon rights	1945	205
Half pay, on; not eligible	1937	79
Health units, status of employees	1955	1
Housing authorities, eligibility of employees	1955	322
Investment of funds in bonds; legal designation of bondholders	1947	137 169
Jackson county hospital corporation, employees; eligibility	1951	244
Laborers, inclusion of certain	1953	158
Officers and employees not covered by special system; status under general law	1953	158
Overtime pay; inclusion in compensation	1947	166
Payment of contributions from teachers' salary fund	1945	424
Retired		
County officer, reemployment by sheriffs; compensation under, prohibited	1953	159
Employee; professional service, rendering; eligibility	1953	138
Member of county historical commission; effect of benefits	1953	163
Membership on municipal council; effect	1947	166
Service as member of legislature; benefits	1953	128
Special retirement system, those not under; effect of state system	1953	161
School district trustee; eligibility	1947	123
Simultaneous membership in Duval county employees' retirement fund	1947	168
Social security benefits adopted; membership in division A in retirement system requirement	1957	230
State attorney; eligibility to participate in; Dade county	1957	594
Suspension of officer; effect upon benefits	1945	203
Years of service; inclusion of service as school district trustee	1947	123
Education board, reinstated members	1943	278

<u>Subject</u>	<u>Year</u>	<u>Page</u>
RETIREMENT SYSTEMS (cont.)		
Employment by certain nonprofit corporation, prior credit service; eligibility	1957	246
Federal military service, computation for purpose of retirement	1955	381
Fire control district, officers and employees; eligibility	1957	803
Gilchrist county park board		
Permanent employees compulsory participation in retirement system	1959	47
Temporary employees; eligibility for participation	1959	47
Highway patrol; reentering service; credit for period of prior employment	1947	386
Investment of funds in bonds; legal designation of bondholders	1947	137 169
Jackson memorial hospital, officers and employees; eligibility	1955	488
Jacksonville expressway authority officers and employees, eligibility	1955	425
Judge of small claims court; eligibility	1951	245
Judges, computing required period of service	1959	448
Lakeshore hospital, officers and employees; eligibility	1955	488
Militia of state, members of; retirement benefits, eligibility	1955	381
Mosquito control districts, employees, eligibility	1955	515
Municipalities		
Elective officers; retirement system, in relation to definition of, in social security law	1955	46
Firemen's relief and pension fund; disposition of fund upon discontinuance	1953	189
Police officers' retirement fund		
See: MUNICIPALITIES		
Termination of employment	1951	702
Naval stores inspector; entitled credit; aggregate number years' service	1949	167
Part time employee, eligibility	1955	443
Permanent disability, determination; private employment; retirement benefits	1955	517
Person employed more than thirty years, workmen's compensation payments, retirement under \$112.05, F. S., qualification	1957	212
Port authorities, officers and employees; eligibility	1951	218
Professor at women's college; eligibility for retirement as state employee	1945	209
Public employees, eligibility to participate in social security coverage	1955	11
Public safety, department of; retired member, reemployment; benefits	1953	404
Retirement		
Application; date of first benefit check	1953	332
Disability of state employee; workmen's compensation award; amount	1955	534
Effect of retirement under \$112.05, upon rights under other state retirement systems	1955	650

<u>Subject</u>	<u>Year</u>	<u>Page</u>
RETIREMENT SYSTEMS (cont.)		
Retirement (cont.)		
Employment after; benefit rights; construction of former law	1955	516
Rights under prior statutes	1955	455
Retirement and benefit trust funds; officers and employees of private industry, use and benefit; tax exemption	1957	64
Retirement fund; Florida power corporation employees; foreign trustees; interest of beneficiaries; tax situs	1957	263
Salaries prior to 1945, back payments; benefits, determination	1957	758
School lunch personnel, eligibility	1951	243
Separation from service, revival of status; requirements	1955	562
Service credit		
Certain state judges for employment as attorney for school board or citrus commission; eligibility	1959	94
County employee employed by state and federal agencies	1959	25
South peninsular zoning district, officers and employees; eligibility	1957	555
Special county system, employees not under; effect of state system	1953	161
Special retirement law; Dr. John J. Tigert	1947	123
Specific officers or employees; eligibility	1945	209 210 211 212 213 214 215
State and county officers and employees		
Assignment of accumulated contributions, make good shortage in accounts	1959	75
Average final compensation; determination for retirement	1957	127
Average final salary computation; social security; value of food and lodging as part of salary	1959	33
Citizens of other states and countries; eligibility	1955	700
Civil defense agency, employees of; eligibility	1959	541
Continuous unbroken service, breach, authorized leaves of absence	1957	404
Contribution, refund; member of former county and state systems	1957	32
Credit for service during state and federal employment; computation	1959	25
Daughter designated beneficiary; rights of widow under §122.08 (4) in light of §122.12, F.S.	1959	233
Designation of beneficiary, divorce or death, effect of law	1957	22
Division "B," rights of employees	1957	308
Election of benefits and rights of wife	1957	134
Employment of retiree, effect	1959	110
Federal employee as state employee under state retirement; eligibility	1955	803

<u>Subject</u>	<u>Year</u>	<u>Page</u>
RETIREMENT SYSTEMS (cont.)		
State and county officers and employees (cont.)		
Fire control district, officers and employees; eligibility	1957	803
Food and lodging furnished as part of salary; social security tax deduction; payment	1959	267
Gilchrist county park board		
Permanent employees compulsory participation in retirement system	1959	47
Temporary employees; eligibility for participation	1959	47
Hospital districts; officers and employees not under compulsory provisions	1957	416
Insane person, retirement benefits; payment	1955	772
Judges, compensation of, basis for computation of, where retired judge recalled to active service	1959	92
Judicial officers, mandatory retirement provision; applicability	1959	57
Legislative service, prior service credit for full term as legislator	1957	584
Membership, compulsory, by teacher starting after age sixty	1959	23
Military retirement; eligibility	1957	53
Reduction of benefits	1955	176
Military service, credit; nomination for public office; subsequent employment; eligibility	1955	806
Mosquito control district, officers and employees; eligibility	1955	666
National guard, retirement of member while employee of state; eligibility	1957	53
Okaloosa county gas district, officers and employees; eligibility	1955	692
Optional provisions, selection by person eligible for retirement; contribution	1955	735
Partial disability; lump sum contribution; payment allowed	1957	919
Pilot association, members; eligibility	1957	841
Prior service credit; department heads, notice by	1955	714
Public service after retirement; reemployment, etc.; eligibility	1957	833
Quadricentennial commission of Pensacola; eligibility	1957	887
Reasonable value of living quarters, food and lodging, effect upon wages of	1959	97
Reduced benefits, rights of election	1957	134
Reemployment after retirement, effect	1955	776
	1957	3
		833
Retired		
Employee drawing retirement pay; holding public office; waiver of compensation and travel expenses; eligibility	1957	519

<u>Subject</u>	<u>Year</u>	<u>Page</u>
RETIREMENT SYSTEMS (cont.)		
State and county officers and employees (cont.)		
Retired (cont.)		
Judges called for active service; retirement pay continued	1957	903
Legislative service; benefits	1953	128
Spouse; benefits; employment by state or county	1955	487
Retiree's rights	1959	110
Retirement benefits of county officers; shortage in accounts; payments	1955	772
Rights of members under system	1957	308
St. Petersburg port authority employee; credit for time served, legality	1957	55
Salary and average final compensation; social security; reasonable value of living quarters, food and lodging as part of salary	1959	33
Separation from service; revival of status; contributions	1955	562
Shortages in accounts, assignment of accumulated contributions to cover	1959	75
Social security fund, contribution to; not entitled to refund	1957	489
Social security taxes; value of food and lodging; as part of salary; funds from which tax paid	1959	33
Teachers		
Nonmembers of teachers' retirement; eligibility	1959	748
Participation; eligibility	1957	718
Teaching less than certain number of hours; eligibility	1959	611
Transfer from teacher retirement system; eligibility	1955	576
Widows		
Payment of back contributions; rights	1957	300
Rights under §122.08(4) in light of §122.12, F.S., daughter named beneficiary	1959	233
State officers and employees		
Aggregate years of service; computation	1947	136
Attorney retained by comptroller; eligibility	1947	124
Average salary; computation	1945	205
Benefits, assignment; validity, procedure	1951	420
Blind operators of vending stands; eligibility	1947	433
Citrus and vegetable inspectors; part-time service to another state; contributions to retirement fund	1947	136
College professor; eligibility	1945	208
Computation of years of service	1945	207
Credit of retirement or disability payments under chapter 121, F.S., on benefits payable under chapter 440, F.S.; eligibility	1953	474
Day laborers; credit for service	1953	131
Death, refund, entitlement	1953	130
Election of system; eligibility	1945	215
Eligibility	1947	125
Exchange university professor; aggregate years of service	1947	136

<u>Subject</u>	<u>Year</u>	<u>Page</u>
RETIREMENT SYSTEMS (cont.)		
State officers and employees (cont.)		
Florida Key aqueduct commission; employees eligible	1949	168
Florida ship canal navigation district, officers and employees; eligible for	1951	218
Harbor masters eligible	1949	168
Investment of funds in bonds; legal designation of bondholders	1947	137
	1951	138
Military leave; privileges		211
Municipal employment, acceptance without forfeiting retirement benefits	1947	135
Overseas road and toll bridge districts; eligibility of employee	1947	125
Plant board employee; eligibility	1945	209
Recomputation of retirement allowance	1947	121
		122
Refund; assignment	1953	127
Retired		
Assistant state auditor; certified public accountant; sheriffs as clients	1949	167
National guard officer serving as assistant state attorney; membership	1947	358
Service as member of legislature; benefits	1953	128
Ship canal authority, officers and employees; eligible for	1951	218
Sick leave; effect upon rights	1945	207
Suspension; effect upon rights	1947	126
Temporary resignation; effect	1945	216
State universities		
Employees paid on ten-months basis instead of twelve-months basis, effect of rights under law	1955	324
Teaching staff; academic year counts as full year for retirement purposes	1957	149
Supreme court justices' and circuit judges' retirement system		
Fund, investment	1955	623
Judges of court of record for Escambia county; eligibility	1955	958
Teachers' retirement		
Academic years counting as full year for retirement purposes	1957	149
Annuities savings funds; investment in United States savings bonds	1941	315
Applicant, invalid; social security payments; eligibility	1951	388
Attendance assistant; eligibility	1945	429
Benefits; construction of law	1939	195
Board of trustees; suspension and reinstatement of retirement; authority	1941	316
Canadian teaching service; prior service credits; exceptions	1949	318
Compulsory retirement		
Life certificates	1951	414
School board without authority to require at age 65	1949	303
		318
Continuing contracts; salary status, etc.; retirement and subsequent reinstatement; prior rights	1959	742

<u>Subject</u>	<u>Year</u>	<u>Page</u>
RETIREMENT SYSTEMS (cont.)		
Teachers' retirement (cont.)		
Contributions		
Date of beginning	1939	199
Members over age of sixty	1947	329
Conviction of crime		
Forfeiture of benefits	1947	330
Not grounds for denying pension	1949	318
County superintendent		
Eligibility	1947	330
Qualifications, status	1945	429
Death benefits; payment, procedure	1941	313
Dependents; survivors' benefits; eligibility requirements	1957	910
Disability, application for, insufficient; subsequent application approved; date of benefits	1951	410
Earnable compensation; definition	1941	317
	1945	425
Eligibility requirements, teacher entering after age sixty	1959	23
Federal internal revenue lien; withholding of benefits or withdrawals; comptroller, duty	1959	173
Florida high school activities association, employees; eligibility	1955	412
Funds		
Deposit in federal savings and loan associations	1941	314
Investment by board of trustees	1939	176
Purchase F. H. A. mortgages for investments	1941	315
Life graduate certificate; compulsory retirement	1951	414
Medical examination of members	1943	276
Membership		
Disbursement of contribution	1943	274
Eligibility	1945	424
Loss because of continuous unemployment	1947	332
Renewal; repayment of withdrawn contributions	1947	328
Requirements	1941	319
Retention after resignation	1947	332
Service credit		
Eligibility	1945	423
Military service; end of war	1949	317
Minimum requirements	1947	331
Pensions	1941	273
Requirements	1941	318
Teacher, definition; unemployment period	1941	321
Termination	1957	910
Minimum allowances	1949	316
Murder of member by beneficiary; disposition of contributions	1947	577
National youth administration, credit for service	1947	331
Nonmembers; eligibility under state and county officers and employees system	1959	748
Over age for participation; eligibility for state and county system	1957	718
Pensions		
Benefits; social security payments; eligibility	1951	388
Increase	1949	301

<u>Subject</u>	<u>Year</u>	<u>Page</u>
RETIREMENT SYSTEMS (cont.)		
Teachers' retirement (cont.)		
President and vice-president of the university of Florida; membership	1947	328
Prior service credit		
Eligibility	1939	204
Reemployment	1943	280
Teaching in foreign country	1943	282
Proposed regulations classifying school employees; effect	1945	398
Reemployment; additional services; computation of benefits	1957	899
Reinstated members	1943	278
Retired; reemployment; service credit; allowance	1951	414
Retirement benefits while serving as legislator or school board member	1955	510
Retiring members, application for retirement; date of first benefit check	1953	332
Retroactive leaves of absence, credit granted	1951	412
St. Petersburg junior college; eligibility of faculty	1945	444
Second retirement; benefits; computation	1957	899
Service credit		
County superintendent	1943	280
Employment by county government	1949	319
Requirements	1951	412
Substitute teacher	1943	281
Services in armed forces; entitled credit	1949	318
Survivors' benefits		
Effective date of law; legislative intent	1957	910
Eligibility after reaching certain age	1957	910
Funds, basis for computing deduction	1957	782
Tax supported institutions; out-of-state; prior service credit	1949	317
Transfer to state and county system; eligibility	1955	576
University professor; membership	1947	137
	1941	273
	1945	402
Widow of pensioner; rights		
Withdrawal; election of another system	1945	208
Withdrawn contributions; repayment	1947	328
Termination, employees; Fort Myers	1951	702
West Palm Beach, city of; employees' retirement system; investment of certain assets	1959	616
Workmen's compensation		
Benefits; retirement fund, contribution	1955	735
Payments, effect; retirement under §112.05, F. S.; qualification	1957	212
REVENUE		
Expenses, collection of drainage tax	1907	31
General revenue fund as applied to schools and public officials	1907	109
REVENUE BONDS		
See also: BONDS		
County hospital; bonds held invalid; use of funds collected under	1957	75

Subject	Year	Page
REVENUE BONDS (cont.)		
Hawaii highway revenue bonds; intangible personal property tax against holders	1957	9
Pennsylvania turnpike series 1954; as exempt securities within purview of law	1953	526
Texas turnpike company; toll road; exempt securities	1955	45
REVENUE CERTIFICATES		
Board of control issuance; facsimile signatures, use	1957	193
Security for deposited county revenue certificate funds	1959	668
Revenue stamps; when necessary	1925	312
REVOLVING FUNDS		
Budget commission; establishing revolving funds for certain departments; authority and limitations	1955	873
Nonstatutory revolving funds; duty as to drawing warrants; effect of 1945 appropriations act	1945	466
State departments, located in Tallahassee, establishment of revolving funds; limitations	1955	873
Statutory revolving funds; effect of 1945 appropriations act	1945	96
REWARDS		
Apprehension of criminals; sheriffs authorized to pay from office expense	1949	40
Deputy sheriffs; acceptance; authority	1957	652
Earned, when	1909	50
Escaped prisoners; apprehension	1923	69
Persons entitled	1949	627
Revocation of offer by lapse of time	1945	745
Not authorized	1923	202
Offer of, in connection with crime; county commissioners, authority	1955	173
Officers, when entitled	1917	405
Payment by governor	1921	76
Pin ball machines; free plays, mechanism removed	1949	270
		585
Public funds, use, for arrest and conviction of criminals	1905	171
Sheriffs		
Acceptance by; authority	1957	652
Payment	1931	403
Power to offer	1929	349
Liability of county	1945	122
RIGHT OF WAY		
Everglades national park; governor's consent to expend funds	1949	335
Levy of three mills for purchasing, for county roads	1939	525
Reserving, power of county commissioners; sale of tax forfeiture lands	1949	238
Spoil areas, etc.; acquirement and furnishing of, for public waterway, etc.; county commissioners, authority	1957	375
State road department; Murphy act lands; power internal improvement fund trustees	1949	217
Trustees I. I. fund not authorized to convey to United States government	1931	460
RIGHT-TO-WORK AMENDMENT		
Effect; unemployment compensation	1945	560

Subject	Year	Page
RIGHT-TO-WORK AMENDMENT (cont.)		
Union shop cards; display; legality	1945	769
Violation; rights of nonunion musicians and employer	1945	769
Ringling estate; intangible personal property tax, not subject to; former assessments should not be returned	1937	541
RINGLING MUSEUM		
Board of control; paintings repaired; funds; Ringling will	1949	325
Board of trustees, extent of liability of members	1959	266
Liability insurance; board of control; immunity of state agency	1953	341
Trust fund; moneys used to restore certain items for circus museum; without authority	1959	266
Trustees; power to use funds for repairs	1949	325
RIPARIAN OWNERS OR RIGHTS		
Abutting owners; right of way releases	1949	332
Bulkhead lines, establishment; notice by registered or certified mail; requirement	1957	504
Filled-in lands; title; acquisition	1943	292
	1945	451
Guarantee to purchasers under bulkhead law	1957	307
Lands abutting on a street dedicated to the public; owner's rights	1957	17
Murphy act deed; separate assessment	1951	290
Navigable waters	1939	547
Ownership; history of title	1905	181
Property purchased from state or its agencies; bulkhead lines, establishment across private property; county commissioners, duty	1957	484
Publication, notice by registered or certified mail; owners within 1000 feet; requirement under 1957 law	1957	451
State owned land, use by local water control authorities created by special acts; compensation	1957	321
Submerged lands		
Application to purchase	1959	1
Construction of law	1933	635
Sale		
Notice furnished	1957	476
Requirement for advertising	1957	226
Title to island in navigable stream; trustees internal improvement fund	1943	301
Upland		
Adjoining submerged lands, taxation; purchaser under tax deed; status	1959	285
Owners; loss of rights	1945	452
RIVERS		
Public waters, taking by private industry from; conditions precedent	1955	608
Venue for prosecutions of violators of laws, rules and regulations of game and fresh water fish commission	1957	153
Riviera country club; certificate of membership; documentary stamp taxes	1949	258
Road department, state See: STATE ROAD DEPARTMENT		
Road fund See: ROADS AND BRIDGES		

Subject	Year	Page
ROADS AND BRIDGES		
Abutting land, when title reverts to owners	1927	441
Beaches as public highways	1947	381
Bids		
"Equipment rental agreement"; advertising required	1949	185 381 382
Road department authorized to award, to lowest responsible bidder	1939	421
Blocking by ambulance; enforcement of regulations	1951	454
Bonds		
Bond elections		
Expense; payment; method	1917	409
One district bond election yearly, authorized	1913	202
Bond money		
Expenditure without formal contract	1917	249
Voted for county roads may be applied to streets	1915	260
Payment; enforcement	1917	120
Bridges		
Apalachicola river, law valid in re	1931	455
Bridge election; county commissioners authorized to pay expense	1931	1057
Bridge of Lions, St. Augustine; state road department authorized to purchase	1931	453
Certain lands in Bay county; state road department empowered to acquire for	1933	623
Comptroller authorized to issue warrant	1937	468
Construction		
Bonds, issuance; county commissioners, authority	1905	162
State line, at; authority of road department to enter into agreement with Georgia highway department	1939	419
Deeding or turning over to state road department after bonds paid; no authority	1937	469
Defective, damages for	1917	104
Erection of, for the public	1907	189
Fire insurance covering; county commissioners, authority	1951	496
Grant of perpetual easement for causeway across Old Tampa Bay; application for	1939	420
Insurance	1943	304
Leasing; authority of state road department	1937	469 476
Rental payments, state road department may deduct from second gas tax	1937	475
Repairing, bids for; advertising	1927	323
St. Johns river, across; state road department not authorized to purchase	1931	451
Walton county road bonds, state road department not authorized to pledge second gas tax to	1937	470
Certain construction work, state road department authorized to pay for	1931	450

Subject	Year	Page
ROADS AND BRIDGES (cont.)		
Clay pit; purchase by county commissioners outside own county	1947	147
Compulsory service on roads and streets; constitutionality	1915	239
Condemnation for right of way	1913	251
Contractors; bids; payment of contract price	1949	393
Control of vehicular traffic upon foreshore of Gulf of Mexico; authority of sheriff of Sarasota county	1955	557
Conveyance of grand jury for inspection; expense not authorized	1915	147
County		
Budget		
Special road and bridge tax; no liability to municipalities	1949	394
Closing by state road department; authority	1959	399
Dedication and acceptance; procedure	1959	199
Emergency repairs; necessity of advertising for bids	1947	144
Establishment; procedure	1945	265 1947 398
Investigation of accidents on; highway patrol, jurisdiction	1951	479
Machinery; authority of county commissioners to lease with option to buy	1947	147
Protection by drainage	1945	236
Reimbursement by federal government for damage	1945	465
Road and bridge fund; allocation by county commissioners	1947	139
Secondary and feeder; federal aid	1945	502
Separate work squads for white and colored convicts	1947	612
Speed zones, establishment; responsibility	1951	462
County commissioners		
Construction; repairs through county; use of funds; authorized	1949	380
Duties	1931	222
Establishment of road; pleasure and commercial fishing; authority	1949	185 173 176 179
Inspection by; mileage allowance	1949	350
Prisoners, working	1929	350
Public roads, establishment by prescription; duty	1951	497
Road funds		
Expenditure; authority	1929	326
Repairs and construction; authority	1949	380
Road overseer, should not be	1917	408
Traffic regulation; authority	1927	298
County road tax; five mill limitation; city tax share	1949	393
Defense areas, power of governor to close	1941	348
Defense council, closing by	1941	340
Defense highway act; federal grant	1941	417
Districts		
County tax assessor, commission of; law construed as to	1929	228
Taxes, when not subject to remittance to state treasurer under chapter 14486	1929	217

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ROADS AND BRIDGES (cont.)		
Draining onto private premises	1917	137
Easement over private property	1917	114
Emergency replacement; funds transferred by county budget commission	1949	170
Erection of	1907	189
Federal aid system, authority of road department to designate as part of	1939	416
Fenced enclosure with cattle guards across road; trespassing from county road	1949	574
Ferries and bridges		
Members of military forces, exemption	1955	369
National guard shall have free passage over	1933	570
Firearms, discharge on; unlawful	1957	63
First, second and third preferential system to participate in second gas tax	1937	482
Four lanes, defined	1951	457
Gasoline tax, participation	1931	452
General road law, chapter 6537, acts 1913; constitutionality	1913	207 242
Half-track trucks		
Operation over highways	1947	382
Tires, maximum weights, etc.	1947	382
Headlights, dimming; divided lane	1951	457
Highway patrolmen, violations of criminal laws on rights of way of public highways; authority	1955	800
Hydrocrane, self-powered machine, operation upon highways; validity	1955	497
Information booths; survey centers	1949	381
Insurance; bridges on state highways	1943	304
Livestock roaming on highways; enforcement officers; duties	1949	505
Logmen, public roads used by; repairs and upkeep, required	1905	190
Maintenance and protection; construction of law	1931	455
Maintenance tax; exemption of homesteads	1947	620
Maximum gross weight for motor vehicles; maintenance tag	1947	390
Motor vehicles		
Load capacity	1927	458
Pamphlets thrown into	1949	350
Municipalities		
Parking meters, installation on state road; authority	1949	380
Public roads; use of county funds for construction and maintenance	1949	393
Streets; assistance by county in maintenance	1947	398
New; procedure for opening	1927	114
No-parking sign on right of way outside municipalities; state road department authority	1957	559
Overseas highways		
Federal grant, state treasurer as receiving and disbursing agent	1941	417
Opening expenses, payment	1941	417
Overseas road and toll bridge district; expenses for publicity	1949	394
Posters	1935	392
Private		
Auto transportation company not liable to state for tax on mileage traveled over	1933	69

<u>Subject</u>	<u>Year</u>	<u>Page</u>
ROADS AND BRIDGES (cont.)		
Private (cont.)		
Contractor; lowest bidder; requirements; county commissioners	1949	393
County commissioners; exchange service for clay	1949	173
Protection, laws for; enforcement	1931	883
Public; should be opened over railroad	1909	81
Public utilities, relocation; reimbursement of costs	1959	126
Railroad crossings, construction and maintenance	1921	328
Regulation of traffic on; accident reports; inspection; construction of law	1955	849
Riparian rights; abutting owners; releases	1949	332
Road and bridge fund; county commissioners authorized to use	1923	212
Road funds		
County commissioners; funds of, budget control	1949	274
Federal aid; deposit by state treasurer	1943	101
Gas tax funds; budget amendment; county commissioners authorized	1949	272 274
Highway 41 association; repair and construction; county commissioners, contributions	1949	380
Road taxes		
Payment; exemption	1905	143
To be spent in district	1917	445
Second provision funds, allocation	1941	141
Secondary and feeder; funds available	1945	502
Shooting on or near	1935	798
Sidewalks, construction on; adjacent to public school; county commissioners, authority	1955	364
Special road and bridge districts	1907	195
County commissioners; authority	1917	423
Creation of	1923	259
Disbursement of certain taxes	1927	172
Establishment of	1907	195
Expenditures	1921	254
Funds to be used in districts	1917	458
Kanner bill not applicable to certain	1933	159
Money to be received by municipalities from taxes; law construed	1931	729
Moneys entitled to receive	1923	121
Number 6, in Sumter county	1933	170
Qualification of persons to vote in bond elections held in	1915	304
Signing certain agreement; legality	1927	161
Tax assessors; commissions	1931	683
	1933	226
Tax collectors; commissions	1933	237
Trustees; compensation	1919	203
Unexpended balance; disposition	1931	530
Upkeep, maintenance, etc.; levy of taxes against homesteads for, prohibited	1957	236
Speed zones, establishment; enforcement; Amelia Island, Nassau county	1949	351
State aid; apportionment; method	1917	380
State road department See: STATE ROAD DEPARTMENT		

Subject	Year	Page
ROADS AND BRIDGES (cont.)		
State roads		
Beautification and maintenance, authority of county to expend money for	1929	321
State highway department can continue to maintain after incorporation into city; county can police	1931	1052
Surveyor, county; preference in employment	1949	194
Taxation		
Assessment	1925	179
Collection cost; municipal liability	1951	498
Levy of taxes for	1919	189
	1939	525
Municipalities entitled to one half	1931	477
Tax collector		
County road funds; accounting	1949	392
Hardee county; road funds; accounting	1949	392
Tax liens on lands acquired; cancellation	1935	254
Toll roads and bridges		
Auto transportation companies; mileage tax; application	1953	412
Collection; county commissioners without authority	1923	225
Exemption from tolls		
Clergymen and preachers	1933	639
Military forces, members of	1955	369
Militia and preachers	1931	924
Preachers	1931	906
		955
Fernandina port authority; license taxes	1949	270
Lease, authority state road department	1937	476
Maximum rates, use of bridge; railroad commissioners, powers	1905	131
Rental payments deducted from second gas tax	1937	475
State road department has no jurisdiction over tolls and purchase	1937	473
Toll bridge across Apalachicola river; law valid	1931	455
Tolls, fixing and regulating by railroad commission; authority	1937	473
Traffic		
Reckless driving; speed laws	1949	351
Signals installed by municipalities on state roads	1949	383
Violations; arrest by constables; limitation	1951	456
Trailers; occupancy while being operated on highways	1947	382
ROAD DUTY		
Citizen in bonded road districts	1913	192
Exemptions	1917	442
Certain persons	1905	200
Males between 18 and 21 subject to	1915	263
Persons liable	1905	200
Report required, contents	1905	198
Requirement	1909	65
Road patrols; arrests; sheriff's fee	1943	117
Roamer; state boat, donation to federal government; authority	1917	90
ROBBERY		
Guaranty to recover goods or value as constituting insurance	1939	122

Subject	Year	Page
ROBBERY (cont.)		
Indictment must lay the ownership of property involved in some other than defendant	1927	228
Sentence; imposing, reducing or deferring	1953	648
State funds lost; comptroller authorized to settle account	1933	245
Trial judge; sentence imposed less than ten years; without authority	1953	648
Rolfe armored truck service, inc.; gambling; aiding and abetting	1951	733
ROOMING HOUSES		
Athletic club; rooms, meals; hotel; commission; jurisdiction	1949	472
Building plan to be approved	1923	187
Certain restrictions, hotel commission	1923	184
Defined	1953	521
License	1927	268
	1945	609
		610
Guests; registration requirements	1953	514
Hotel commissioner authorized to collect inspection fee	1927	268
Inspection license		
Subject to	1923	185
License		
Requirements under \$2124	1927	265
Revocation or suspension; legally advertised room rates	1953	517
Material	1923	189
Nursing home; comparison and distinction	1953	521
Open part of year, subject to inspector's license	1915	223
Owners, subject to prosecution	1923	192
Rentals; public liability insurance; university of Florida	1949	474
Room rates, advertisement; investigation by commissioner; without authority	1953	517
Space heater installations; enforcement of regulations by commissioner	1953	512
ROOSEVELT APARTMENTS, INC.; HOUSING PROJECT		
Hotel commission; jurisdiction	1949	472
Separate units; apartment house, application of definition	1953	515
Rope manufacturers; taxation, when exempt	1931	1064
Royal benefit society of Washington; insurance; not within purview of \$5, chapter 5222, of 1903	1904	25
ROYAL PALM STATE PARK		
Appropriations	1933	392
Continuing but not cumulative	1937	10
Disbursement, manner	1945	455
ROYAL TIES		
Education department publications; general revenue	1951	435
Oil, gas and mineral royalties, not regarded as intangible personal property	1959	407
Patent income; taxable intangible personal property	1947	241
Phonograph records used for public performance for profit; requirements	1937	626
Received from copyrights; taxable property	1957	9
Rubber solvent and hexane; petroleum products; applicability of law	1949	272
		274

<u>Subject</u>	<u>Year</u>	<u>Page</u>
RUBBER STAMPS		
Fill-in voting; legality of use	1947	73
Law does not prohibit use in certain cases	1931	537
Marks and brands, use of rubber stamp instead of steel	1935	801
Name of candidates may be written with	1929	306
Right of public officer to use in signing official documents	1931	594
Signature on tax certificates, cannot be used for	1929	294
Use in signing warrants	1935	238
Rug cleaning business; occupational license tax, liability	1931	706
RUGE TRUST FUNDS		
Additional bond of secretary of board of control	1947	337
Bank collateral and secretary's bond; custodian	1947	337
Rule days; county judge's court; two, in certain cases	1939	84
Rule nisi; application for; clerk's filing fee	1933	480
Rules of bonds; intangible personal property taxes	1933	55
Rules of procedure; house of representatives; revision	1947	13
Running expenses of state government; opinion defining expenses	1907	80
RURAL ELECTRIC COOPERATIVES		
Occupational license tax, liability	1947	442
Taxation, not exempt from	1939	458
Rural electrification administration; notes and other obligations; documentary stamp tax, liability	1957	830
Rural school inspectors See: SCHOOLS		

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
Saccharin; flavor straws; impregnated with saccharin; sale without prescription; legality	1957	21	ST. PETERSBURG BEACH, CITY OF (cont.)		
Sacks and bags; purchaser, license tax	1933	7	Assessment rolls; Pinellas county; millage deadline	1949	244
SAFEKEEPING RECEIPTS			Municipal elections; permanent registration required	1949	84
Everglades drainage district bonds	1949	29	Voting machines; municipal elections; requirements	1949	109
Securities for deposits of state funds	1947	20	ST. PETERSBURG, CITY OF		
Safety appliances; trucks hauling split pine stumps	1945	481	Municipal elections; books; closing time provided by law; certified list eligible	1949	149
Safety codes; adoption by industrial commission; compliance by certain employers excluded from provisions of chapter 440, F. S.	1959	615	Realtor board; employees of; group life insurance	1949	540
Safety Harbor, city of; municipal election; voting machines mandatory, Pinellas county	1949	110			543
St. Augustine airport; Fairchild engine and airplane corporation, lands leased to; tax exempt	1959	562 653	St. Petersburg port authority; officers and employees; state and county retirement system; credit for time served, legality	1957	55
ST. AUGUSTINE, CITY OF			SALARIES		
Appropriation under chapter 18146, comptroller's warrant to be made jointly to St. Augustine historical preservation and restoration association	1939	4	See also: WAGES; WARRANTS; Specific head		
Boundaries	1931	834	Amount of salary paid under chapter 5658	1913	237
County jail; municipal prisoners; emergency basis	1949	209	Assignments, agreements; documentary stamp tax liability	1949	259
St. Augustine historical preservation and restoration association; comptroller's warrant to be made payable jointly to city of St. Augustine	1939	4	Caretaker; fish and game club, method of payment	1949	170
ST. JOHNS COUNTY			Employees; retirement benefits, assignments; validity, procedure	1951	420
Municipal prisoners in county jail; emergency basis	1949	209	Judges, state attorneys and court reporters, appropriation	1933	381
Refunding operations	1933	172	Proposed changes in budget relative to	1933	204
Salt water fish; waters, bays added; taking regulated	1949	411		1935	776
ST. JOHNS RIVER			Statute effective		
Board of conservation, not authorized to shorten closed season for fishing	1939	287	Superintendent of public instruction; salaries provided in certain chapters; effective date	1959	463
Portion, subject to shell fish law	1915	195	Use of funds appropriated for, for payment of necessary and regular expense	1933	391
ST. LUCIE COUNTY			Wage tax for employees' disability benefits; validity	1951	557
Bonds			SALES		
Cancellation by state treasurer	1941	152	Additional; require additional documentary stamp	1939	436
Payment of interest after maturity by board of administration	1941	464	Agencies subject to personal property tax on cars on hand	1933	64
Budget commission; calling special primary to nominate candidates	1947	106	Alcoholic beverages, beverage department tax liability	1957	61
County officer as county manager; commissioners not authorized to appoint	1949	181	Bulk sale of tangible personal property by vendor to purchaser; tax liability	1957	611
Judgment, transfer of Kanner act funds to pay	1941	463	Conditional sales agreements; purchase of certain documents from dealers in personal property at a discount, etc.; not governed by County	1957	283
Navigable fresh water stream; establishment of bulkhead lines; approval required	1957	774	Commissioner; sales to county by firm represented; violation	1949	575 578
Personal application; absentee registration requirements	1949	90	Property; statutes, only provide for public sale	1949	172
Primary election; bond election; date	1949	153	Electrical equipment; power of municipality; New Smyrna Beach	1949	206
Refunding bonds, redemption	1941	464	Flavor straws; impregnated with saccharin; sale without prescription; legality	1957	21
Sinking fund, jurisdiction of board of administration	1941	462	Florida Statutes, 1949; free distribution	1949	28
Workmen's compensation insurance; county road employees; payment of premiums	1949	440	Homestead exemption; effect	1949	288
ST. PETERSBURG BEACH, CITY OF			Lands; municipal taxes; county tax foreclosure; distribution proceeds	1949	240
Arrests; drunk-o-meter tests; prisoners; transfer allowed	1949	572			

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SALES (cont.)		
Legal sales day	1909	89
Merchants, orders and deliveries	1921	332
Motor vehicles, isolated or occasional; collection of sales tax	1957	448
Personal property in hands of court receiver for nonpayment of taxes	1933	124
Property for nonpayment of taxes; county commissioners' duty	1955	76
Representative or broker, license tax under beer bill	1933	31
Salesboards; operation by merchants lawful, when	1931	804
Seafood products, sales; requirement	1953	443
Securities See: SECURITIES		
Separate locations; drinks, packages; liquor license requirements	1949	493
Sheriffs; alcoholic beverages; wines and liquors	1949	46
Stock; domestic corporations, exemptions	1951	600
Tax forfeiture lands; county commissioners; authority to reserve right of way	1949	238
Weapons and firearms; proceeds; adjutant general; disposition	1949	571
Sales day; legal	1909	89
Sales tax See: TAXATION		
Salesmen; nonresident merchants; occupational license tax, liability	1951	319
Salt and fresh water; dividing line between	1929	277
SALT WATER FISHERIES		
See also: ALIENS; CONSERVATION; GAME AND FRESH WATER FISH COMMISSION; FISH AND FISHING		
Biscayne Bay, seines and nets	1935	637
Broward county, territorial waters of; fish law violations; constables, authority	1953	438
Buying and selling for account of others not wholesale dealer	1935	650
Canaveral port authority, fishing within area, regulation	1953	444
Closed season		
Crawfish	1943	333
Foreign salt water; receive and reship during closed season; legality	1953	441
Shipments from foreign countries	1935	664
Mullet	1943	337
Taking for use in war effort	1943	338
Confiscation and forfeiture proceeding, court fees; payment	1953	433
Conservation department; expenses	1935	647
Construction of laws	1937	291
		292
Crayfish and crabs shipped directly to restaurants; wholesale or retail	1935	648
Dade county commissioners; salt water fishing boats and seafood dealers' licenses, requirements	1951	509
Expiration date of chapter 17593 of 1935	1935	633
Fish brought into Florida for processing and shipment	1943	333
Fishing devices; salt and fresh water; regulations; jurisdiction	1951	502
Lake Okeechobee, St. Johns river; chapter 17012, 1935, construed	1935	641

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SALT WATER FISHERIES (cont.)		
Licenses	1937	572
Age limitation	1953	437
Boats		
Crawfish, transportation from the Bahamas	1935	665
Fishing; nonresident	1947	400
Fractional tax; liability	1937	571
Lake Okeechobee, on	1945	514
Liability	1937	572
Pleasure fishing; requirements	1955	225
Requirements	1951	509
	1953	439
Certain counties; disposition	1925	288
Dealers	1935	633
		646
		651
Crab and shrimp	1915	201
Net fishermen selling own catch or person selling only smoked fish; requirement	1949	410
Operation under store license	1935	643
Operators of boats	1935	642
		652
Requirements	1951	509
Sale to consumers; wholesale license	1947	408
Wholesale	1955	210
Canneries	1945	516
Definition	1945	517
Retail, and	1935	639
Sale from trucks	1945	516
Disabled veterans	1953	437
Exemption of war veterans	1935	638
Hook and line, when used	1915	196
Selling on cooperative plan, when	1935	648
Shell fish, crabs	1935	645
Loggerhead or green turtle; taking in closed season; regulations	1951	515
Manatee or sea cow; permit for taking	1951	517
Mullet		
Board of conservation, authority to open closed season	1945	512
Closed season		
Applicability to fish caught in another state	1947	408
Escambia county	1935	643
Search and seizure of trucks	1935	634
Open season, extension	1935	649
Seizure and sale; disposition of proceeds from	1945	517
Silver; taking during closed season for bait use		
Aliens, licenses	1935	635
Conservation board, authority	1949	409
Oysters See: OYSTERS		
Packaged seafood; wholesale dealers; permit number; appearance required	1949	412
Police license required of boats bringing fish into state for sale	1915	192
Pollution of water by paper mill; conservation board without authority to require permit	1937	296
Possession and sale when frozen during closed season	1935	666
St. Johns county; waters of; taking regulated	1949	411
Salt and fresh water defined	1935	651
Salt water fish act, under jurisdiction of	1927	287

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SALT WATER FISHERIES (cont.)		
Salt water fish in fresh waters; jurisdiction of	1951	511
Salt water trout; authority of conservation board to limit size	1949	408
Sarasota county, special acts construed	1935	639
Seafood dealers; license requirement	1943	338
	1953	443
Seines and dragnets; hauling prohibited in certain areas	1945	510
Seining in city limits; authority of municipality to prohibit	1935	636
Seismic exploration; rules, regulations against; conservation board, authority	1951	512
Seizure of fish, nets and boats	1937	293
Shad		
Board of conservation without authority to change term of closed season as defined in statute	1939	287
Northern waters, from; sale of during closed season	1935	663
Shellfish		
Aliens		
Fishing	1917	324
	1921	277
Tax	1917	327
Certain waters of St. Johns river, application of law	1915	195
Closed season		
Fresh fish frozen or iced	1921	349
Shipment salt cured fish	1921	341
Commissioner		
Arrest; when authorized to make without warrant	1925	267
Attorney fees, no authority to pay	1919	248
Certain act effective, when	1925	269
Certain fees to be paid to	1925	333
Counsel fees proper when approved by	1923	161
Deputies		
Expenses	1921	268
Proper commission issued to; legality of arrests by	1925	267
Salary	1921	270
Drag nets		
Disposition of	1925	270
Use of in Martin county; not authorized to prosecute for	1925	272
Duties and powers	1921	264
Expense, how to be paid	1923	166
Fishing in Clearwater Bay, jurisdiction	1927	285
Freight charges, refund	1923	167
Funds, return of to cooperative colony	1921	257
Illegal nets, how to be seized	1923	162
		164
Licenses		
Chapter 11838, effect	1927	283
Fishing; certain counties	1925	268
Restriction upon municipalities to impose	1927	288
Wholesale fish dealers	1927	286
Section 7, chapter 10123; construction	1927	284
Local laws, duty to enforce	1921	276
Mullet or roe, possession of during closed season; legality	1927	283
Opinions	1917	383

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SALT WATER FISHERIES (cont.)		
Shellfish (cont.)		
Commissioner (cont.)		
Opinions (cont.)		
Semi-official	1923	159
Permanent resident defined	1921	279
Police power	1927	286
Replevin, illegal nets not authorized	1923	164
Salt water fish act; construction	1927	287
Section 1273, R. G. S.; construction	1927	286
Sponge fishing; certain ruling not authorized by law	1931	388
Traveling expenses	1921	261
		263
Crabs, license	1935	645
Culler's liability for tax	1917	327
Fund; record books, furnishing	1917	386
Jurisdiction of tidewater bottoms	1915	203
Laws		
Construction	1935	644
Duty of sheriff	1935	641
Power to enforce	1915	271
Licenses	1935	645
Aliens	1917	326
Outside state waters	1921	382
Wholesale dealers	1921	378
Nonresidents		
Fishing	1917	324
Tax	1917	327
Open season, power of conservation board to extend	1943	339
Oysters See: OYSTERS		
Pooling of sales	1921	321
Privilege tax	1921	322
Set aside	1937	588
Sale of shell deposits	1917	324
Stone crabs; traps, use in Pinellas county	1941	508
Shrimp		
Boats		
Leased unregistered, residents operating; legality	1945	511
Nonresident		
Revocation of license	1945	514
Rights under reciprocal agreement	1947	409
Operation	1937	297
Closed season; Apalachicola bay	1949	412
Importing by local factories	1935	667
Legal size	1945	517
	1947	407
		410
Taking; requirements; residence, registration of boats	1945	511
Speckled trout; definition; closed season	1947	406
Sponge fishing		
Certain ruling not authorized by law	1931	388
Minimum size	1943	334
		339
Stopnet fishing in creeks and streams unlawful	1937	295
Transportation without official permit tag, disposition	1953	440
Trout; closed season, sale when frozen	1935	655
Validity of law	1939	288
Wholesale dealers, permit tags; requirements	1953	440

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SALVATION ARMY		
Churches; city and town zoning ordinances; beverages	1949	488
Marriage ceremony; authority to solemnize	1949	567 568
Property; exemption from taxation	1947	187
Sanatorium See: TUBERCULOSIS		
HOSPITALS		
Sandwiches; places serving heated sandwiches; occupational license requirement	1955	683
Sanford state farmers' market; service station, establishment; authority of agricultural marketing board	1957	643
SANITARIUM		
Hotel commission; no jurisdiction	1949	469
Housing maintained and used for hospital personnel; tax liability	1957	150
SANITATION		
Closets; sanitary	1923	174
Districts; clerks circuit courts; secretary-treasurer; compensation	1949	197
State board of health vested with certain powers	1923	177
SANTA ROSA COUNTY		
County commissioners		
Donation, woman's club; validity	1951	231
Public instruction; employees eligible workmen's compensation	1949	441
Defense council; county funds; appropriation by county commissioners	1941	347
Former county officials; recovery of amounts alleged to be owed; procedure	1957	710
Justice of the peace; duties as committing magistrate	1945	147
Reregistration of electors	1937	137
School boards; members, compensation	1951	428
Special road and bridge district No. 8; time warrants, interest coupons, cancellation by board of administration	1941	430
SARASOTA, CITY OF		
Ringling estate; gift; terms of will; court requirements	1949	323
Submerged lands, ownership and control	1959	583
SARASOTA COUNTY		
Bonds		
Exchange by state treasurer	1941	153
Interest and principal, payment from special levy fund	1941	460
Matured interest coupons, purchase by board of administration	1941	459
Refunding, charges of paying agent, payment by board of administration	1941	460 476
Control of vehicular traffic upon foreshore of Gulf of Mexico; authority of sheriff	1955	557
County commissioners		
Compensation	1953	144
Tax revenues, power to use to finance road improvements	1957	711
County superintendent of public instruction; election, appointment, term of office	1957	253

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SARASOTA COUNTY (cont.)		
Gas tax funds, transfer from Kanner bill accounts to sinking fund account	1941	458
Hospital board; candidates for membership; campaign contribution and expenditure reports, filing	1953	87
Real estate broker and salesman, county license; residence requirements	1953	289
Registration books; time for closing prior to general election	1947	60
Road improvements; funding of special assessment to be collected in future years; commissioners without authority	1957	711
Savings, building and loan associations		
See: BUILDING AND LOAN ASSOCIATIONS		
Schenley Industries, Inc.; wine license, issuance upon certain conditions	1959	72
Schlitz Florida fishing contest; cash prize awards; violation of lottery law	1959	751
Scholarship day, race tracks; fund, disposition	1953	538
SCHOLARSHIPS		
Agricultural		
Full amount of cost; county commissioners, payment	1955	174
Value; amount to be contributed from county funds	1947	344
Basic science board; scholarships or student loan fund, legality of establishing	1957	353
Beauty culture board; awarding in excess of ten per year; prohibited	1957	867
Board of control, authority to invest scholarship funds	1955	615
Cancellation of notes; teaching credit	1947	349
Conditions	1945	432
Debt; cancellation; maturing of notes; enforcement of collection	1949	321
Department of public welfare; educational leave scholarship, use of state funds for; prohibited	1953	465
Florida A and M university	1953	333
Funds; board of control authority to invest	1955	615
Handling and collection of notes; proposed regulations of state board	1947	353
House		
Institutions of higher learning; teacher preparation	1949	320
Notes; endorsement	1947	349
Proposed regulations of state board	1947	353
Residence requirements	1947	344
Veterans; eligibility	1947	345
Institutions of higher learning; type; no restrictions; racing contributions	1949	485
Lewis		
Admission of female holders to university	1945	439
Cancellation of notes; teaching credit	1947	349
Eligibility of alien	1945	429
Residence requirements	1947	344
Summer school attendance	1947	347
Medical, noncitizen of United States; eligibility	1957	53

Subject	Year	Page
SCHOLARSHIPS (cont.)		
Notes		
Form, endorsement	1947	349
		350
Maturity; cancellation of debts; enforcement of collection	1949	321
Number, eligibility	1945	432
Nurses' scholarship program, establishment of; tuberculosis board, authority	1953	454
Nursing education, attendance at out-of-state schools affiliated with Florida schools of nursing	1955	593
Psychiatric social worker; payment of notes	1955	848
Regional institutions, authorization	1949	324
Residence requirement	1947	344
Senatorial		
Credit allowed part time employment	1949	322
		325
Institutions of higher learning; teacher preparation	1949	320
Johnson, James E.; seven months' service; credit allowed	1949	325
Kind of service for which credit is allowable; ministry or church leader	1947	347
Notes		
Endorsement	1947	349
Manner of satisfying	1945	433
Proposed regulations of state board	1947	353
State college; requirements	1943	286
Veterans; eligibility; method of payment	1947	345
		348
State college; requirements of county scholarships	1943	286
State normal school; eligibility of married woman for selection for scholarship	1904	42
Teachers		
Legal obligations	1949	322
Preparation		
Eligibility	1953	334
Proposed regulations of state board	1947	353
Requirements of holders attending institutions of higher learning	1957	491
Service credit	1947	347
To whom awarded	1923	247
University of Florida	1939	218
SCHOOL OF FORESTRY		
Establishment and appropriation	1937	242
Time period, appropriation; construction chapter 18403	1937	1
School of nursing See: NURSES AND NURSING		
SCHOOLS		
See also: EDUCATION; BONDS; INDUSTRIAL SCHOOL FOR BOYS; INDUSTRIAL SCHOOL FOR GIRLS		
Administrative personnel		
Holidays, determination by county board of public instruction	1947	307
Separation of races; white superintendent of negro school	1937	211
Age requirements for admission	1931	1042
	1939	189
	1947	315
		316
		317

Subject	Year	Page
SCHOOLS (cont.)		
Agricultural agents	1935	450
Alcoholic beverages		
Beverage law; definition of school	1945	629
License		
Place of business nineteen hundred fifty feet away; legality	1937	232
Sale within three hundred feet	1941	283
Proximity of vendor	1935	314
	1945	408
		409
		630
	1947	491
County zoning	1949	492
Zoning by municipalities	1939	167
	1951	628
Aliens; eligibility for employment in public school system	1939	202
Appropriation	1935	416
Amendment; unchanged by	1937	11
Continuing	1937	5
Armistice day, observance	1921	342
	1923	143
Athletic coach; employment; eligibility	1945	403
Attendance		
Adjoining county; under agreement	1927	303
Areas		
Determination	1947	290
Effect	1945	395
Particular school to be attended	1939	163
District boundaries, without regard for	1939	163
Child labor	1943	396
Hours in school in computing maximum number of working hours per week	1945	562
Compulsory	1921	366
Applicable to residents only	1933	430
Attendance officer		
County superintendent may serve as	1921	309
Election by people or appointment by governor required	1933	415
Enforcement	1941	280
County superintendent responsible	1931	733
Juvenile courts, without jurisdiction	1941	281
Field trips	1955	855
Juvenile court judge; trial jurisdiction over parents; without authority	1957	731
Number of petitioners required to call election	1915	226
County other than that of residence; transfer of funds in teachers' salary fund	1937	168
Defined	1955	855
In district	1923	144
Jurisdiction	1943	260
Married pupils; prohibition, authority	1951	386
Outside district	1921	200
	1931	545
	1935	445
Certain conditions, under	1927	304
Trial of parents	1943	260

Subject	Year	Page
SCHOOLS (cont.)		
Bands		
Performance at race tracks, prohibited	1953	538
Uniforms		
County commission without authority to budget money for	1945	243
Purchase with school funds	1939	205
	1947	291
Barbers; applicants; admission; examination qualifications	1949	459
Beauty culture; post graduate course, qualifications	1953	502
Board of control See: BOARD OF CONTROL		
Board of education See: State board of education, this heading		
Bonds		
See also: School districts, this heading		
Baker county; approval	1921	191
Broward county; approval conditional	1921	183
		186
Calhoun county; approval	1921	173
		179
Call date	1945	420
Cancellation by county commissioners	1941	151
Capital outlay amendment; proceeds from, method of depositing and disbursing	1953	347
Citrus county; approval	1921	221
Construction; sales, investment of proceeds	1941	237
District sinking funds, purchase with; regulation	1941	285
Duval county school district; investment	1939	152
Elections	1949	146
		147
Freeholders		
Qualifications; right to vote	1957	844
Status; information by mail	1949	147
Registration books		
Purge of, subsequent to elections	1951	168
Special; opening; Broward county	1955	349
Special registration; cost; payment	1957	24
Supervisors of registration, duties	1949	85
Time held	1949	106
Two inspectors and one clerk required; absentee ballots	1949	152
Gadsden county; approval	1921	172
		190
		193
General school funds; authority to pay from	1917	124
Holmes county; approval	1921	178
Homesteads, exemption from taxation	1947	616
Interest, liability for, after maturity	1945	397
Issuance		
Assistance in, by bond dealers; payment from school funds authorized	1949	297

Subject	Year	Page
SCHOOLS (cont.)		
Bonds (cont.)		
Issuance (cont.)		
Board of public instruction of Hardee county, by; validity	1947	310
Date; delivery of bonds in escrow	1947	308
Origin of proposal	1945	417
Petition; re-use	1945	417
Proposed; petition	1949	309
Surplus used exclusively for public schools; special tax district	1949	310
Validation, date	1941	290
Jackson county; approval	1921	169
		171
		220
Joint issuance by two districts	1941	291
Lee county; validation	1921	228
Levy county; approval	1921	194
Merger of districts; debt division	1941	293
Officials		
Premiums; payment	1933	216
Requirements	1939	147
		191
		193
Okaloosa county; approval	1921	222
Orange county resolution; proposed issue	1949	310
Pinellas county; approval	1921	188
Polk county; nonapproval	1921	304
Proceeds, custodian	1913	166
Purchase; call	1945	392
Refunding	1935	463
Law applicable to issuance	1931	869
Payment of fee	1943	241
Validity	1941	310
Sales		
Prior to validation	1947	308
Proceeds		
Disposition	1949	292
Investment	1941	237
School district; not within purview of §6293, C. G. L.	1929	237
Statutory interest on judgment for; computing	1937	186
Sumter county; purpose to be shown for approval	1921	184
Teachers' salary fund; investment	1947	327
Unissued; effect of consolidation of school districts upon	1947	574
Validation	1941	310
Date of issuance	1947	574
Method	1945	419
Book contract; foreign corporations required to qualify under corporation law before awarded	1929	257
Budget		
Cash reserve fund; payment of teachers' salaries	1947	324
County boards of public instruction; approval by state superintendent	1941	308
County budget commission; powers and duties	1943	251
County superintendents, salaries; not applicable	1933	430
Current program, priority over previous year's obligations	1949	315
Preparation by board and trustees	1929	219
Reduction where minimum millage not adopted	1951	400

Subject	Year	Page
SCHOOLS (cont.)		
Budget (cont.)		
Submission to county budget commission; time	1945	423
Buildings		
Construction		
Building permit, authority of municipality to withhold	1957	631
County boards of public instruction; authority in special tax school districts	1913	248
Incomplete; 1949 law effective; Columbia county	1949	308
Money for, method of obtaining	1937	28
Municipal building code; effect	1947	321
Contracts		
Advertising; bids	1941	282
Approval	1921	369
Cost basis	1945	408
County boards of public instruction without authority to enter into after major alteration in specifications	1953	328
Grounds; use for other purposes	1943	243
Improvements; issuance of bonds	1931	378
Insurance		
Certain plans; acceptability	1953	329
Coverage with mutual fire insurance companies	1941	305
Money received after destruction; disposition	1931	880
Reinsurance; commissions; division among agents	1951	653
Janitor; employment by board of public instruction	1931	1032
Lease, execution	1941	331
Money to erect or make additions; no authority to borrow	1939	181
Notes cannot be issued for future payment	1931	532
Plans and specifications; architects	1935	458
Property other than school; authority of board to lease for school purposes	1939	210
Rebuilding; authority to use county funds	1931	543
Special millage; bond issue	1949	315
Buses		
Chassis or equipment, purchase; bids	1955	256
Classification	1937	552
License requirements	1927	125
Contracts		
Extending longer than school year, board should not make	1933	427
Private operation, for	1947	289
Drivers		
Appointment; recommendation	1941	259
Contract; payment of salary after rescission	1947	311
Eligibility to hold office	1945	779
Employment; duties	1951	366
Injury; liability of board for medical expenses	1947	448
Legal age	1929	410
License restrictions	1941	413
Loans to pay salaries	1937	172
Negligence; suit cannot be maintained against school board	1933	416

Subject	Year	Page
SCHOOLS (cont.)		
Buses (cont.)		
Drivers (cont.)		
Nepotism	1949	160
Statute not applicable to employment	1939	216
Restrictions	1941	413
School trustee as; employment prohibited	1949	305
Selection; discretion of school board	1931	347
Equipment, purchase; price limitation	1957	186
For hire, license tag required	1931	386
Independent contractors		
Contracting for transportation of both public school and parochial school children; legality	1953	327
Owners and drivers, not employees of school board as affected by workmen's compensation act	1937	339
Injury to; prosecution	1953	651
Insurance		
Liability; coverage	1947	319
Lease; contract plan of purchasing	1939	188
Licenses		
Classification	1941	404
Payment at same rate as private automobiles	1927	125
Loading and unloading; motor vehicles stopping	1929	339
Double lane highways	1937	208
Orange color, known as national school bus chrome, within purview of law	1951	457
Purchase		
Borrowing money for; authority of school board	1959	123
Lease-contract plan	1943	271
Legality	1937	30
Resale to contractors by county school board	1939	188
Race track funds to pay transportation	1933	420
Sale; notice, accepting bids, etc.	1949	299
Service and equipment contracts, competitive bids	1937	175
Stop signal; requirement of vehicles to stop at entrance of intersection	1947	289
Taxation, when exempt	1951	409
Torts occurring in operation; liability of school board	1957	657
Traffic	1931	897
Regulations	1929	408
Safety; crossing flagman, employment	1941	281
Use for school activities; definition	1951	373
Warning signs; traffic law; city enforcement	1947	319
Workmen's compensation law; application to drivers	1949	305
Business and commercial; exemption from taxation	1947	448
Cafeteria, operations at certain educational institutions; licenses	1945	289
	1957	118

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
Capital outlay funds		
Bond issue for; use for debt service, outstanding bonds	1951	407
School construction on lands transferred trustees of I. I. fund; procedure for transfer	1955	611
Cash reserve; use for salaries	1947	324
Census, pay of superintendents for taking	1909	82
Certificates of indebtedness, special tax school districts; issuance of bonds for payment, not authorized	1931	536
Chapter 6428 and chapter 6813 superseded by school code	1939	162
Charters	1923	291
Citrus commission; advertising material to out-of-state school, sale	1955	77
Committee on revision and codification of laws; per diem and expenses allowed	1937	201
Construction and maintenance; additional county sales and use tax for	1955	66
Construction contracts, penalty clause; requirement	1959	503
Continuing contracts See: Teachers, this heading		
Contracts; school building; approval	1941	282
Convention; authority county board public instruction to send delegates	1929	356
Corporal punishment; school teachers not prohibited from inflicting	1937	169
Correspondence, business course in	1913	120
County boards of public instruction See also: State board of education, this heading		
Adjustment of accounts under Futch act	1937	179
	1939	22
Administration building, construction proper expenditure	1937	34
Administrative personnel; holidays	1947	307
Agreements; bus transportation, two counties	1951	395
Allowance to pupils for board not authorized but transportation may be paid	1937	39
Appeals from action	1921	203
Appointments		
Noninstructional employees upon recommendations of county superintendent	1939	154 160
One member not commissioned; legality	1943	245
Principals and staff	1939	169
School staff if nomination not made by trustees; authority	1939	187
Teachers; authority	1931	644
Under chapter 17747	1937	24
Assessments		
County building and bus fund; fees; county liable	1949	229
Special, blanks and fees for; payment	1909	80
Workmen's compensation act, not liable for assessment under	1937	335

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
County boards of public instruction (cont.)		
Athletic coach; employment; eligibility	1945	403
Attendance; areas		
Approval	1945	395
Determination	1947	290
Law; enforcement	1941	280
Officer; appointment of not authorized	1929	256
Attorney		
Employment; authorization of trustees by board	1937	191
Fees; payment	1943	242
	1955	150
Superintendent	1953	320
Defending action against	1947	307
Auditorium and swimming pool; building jointly with county commissioners and municipality if educational purposes specified; negroes' use	1949	308
Bankruptcy, procedure	1941	234
Bids		
Advertisement	1951	398
Certain cases; authority	1925	337
Buildings; authority to accept before bonds voted upon	1915	177
Equipment and supplies, bids required before awarding contract	1937	34
Extension of time, publication of legal notice	1951	398
Purchases over three hundred dollars	1939	153
	1949	315
School improvements; advertisement not required	1929	361
Biennial district election; polling places; ballot boxes; requirements	1949	312
Board districts; boundaries	1947	286
Board of control member, eligible for appointment	1937	242
Bonds		
Accrued interest coupons; use to pay debts; authority	1939	207
Cancellation and delivery of bonds and coupons received in payment of delinquent taxes; clerk of circuit court duties	1939	207
Collection of interest coupons; Pasco county	1939	297
Construction funds; use for buying and laying water pipe, surfacing streets; legality	1949	294
Elections		
Absentee voting	1949	112
Designation of one polling place to serve two precincts; legality	1957	614
Same date as primary election, unlawful	1949	153
Special registration of freeholders; cost; payment	1957	24
Interest after maturity; liability	1941	284
	1945	397
Investment of sinking funds collected for retirement of Duval county school bonds; eligibility	1939	152

Subject	Year	Page
SCHOOLS (cont.)		
County boards of public instruction (cont.)		
Bonds (cont.)		
Issuance; consultants or agents, payment for assistance in	1949	297
Matured, payment of interest before judgment not authorized	1937	207
Purpose contemplated, cannot be diverted from	1937	184
Sale; disposition of funds; use for original project only	1949	292
Special tax school district; purchase, unlawful	1933	406
Book stores may be maintained in school house	1937	200
Borrowing power	1921	234
Constitutional amendment does not affect authority	1931	541
Boundary lines of school districts; right to change	1929	396
Budget		
Amendment of		
Chapter 18134, under	1937	24
Special tax school district No. 11	1937	180
State superintendent, approval	1951	408
Cash reserve fund, payment of teachers' salaries	1947	324
Current program; priority over previous year	1949	315
Exceeding, not authorized	1931	825
Requirements	1927	306
State superintendent, approval	1941	308
Submission to county budget commission; time	1945	423
Traveling expenses, amount fixed to cover	1931	539
Buildings See: Buildings, this heading		
Bus drivers See: Buses, this heading		
Buses See: Buses, this heading		
Candidates		
Disqualified, name not deleted from ballot; effect on majority vote	1947	96
Filing fee	1947	89
Baker county	1949	330
Nomination; requirements	1949	127
		330
Nomination should be by districts	1931	556
Teachers' retirement system, beneficiary	1943	283
Capital outlay funds		
School construction on lands transferred by trustees of I. I. fund; procedure for transfer	1955	611
Use restricted	1949	311
Certain obligations, payment from district funds or change of millage; not authorized	1931	808
Certificates of indebtedness	1927	306
Acceptance by tax collector; authority	1933	128
Gymnasium construction, issuance for	1949	192
Payment of teachers, for; without authority to issue	1931	847
Chairman; filing bonds; responsibility; state department of education	1949	316

Subject	Year	Page
SCHOOLS (cont.)		
County boards of public instruction (cont.)		
Clerk in office of county superintendent; authority to employ	1933	417
Commissions, authorized to be paid by	1923	269
Construction work		
Funds; water pipe and streets beyond property line	1949	294
School buildings		
Leased property, on; authority	1939	193
Special tax districts, in; authority over	1913	248
Sealed competitive bids required	1949	293
Contracts		
Bus driver, with; rights of parties	1933	427
Buses; should not extend longer than school year	1933	427
Construction		
Obtained by fraud, validity	1951	365
Penalty clause; requirement	1959	503
Deferred payment; execution	1943	265
Member of board, with; prohibited	1907	182
Obligations; enforceability	1937	187
School building; alteration of specifications, etc.; authority to enter into	1953	328
School funds, involving; against public policy	1927	222
Teachers, make directly with	1913	116
Transportation of pupils	1931	540
		613
Conveyances, documentary stamp tax	1941	213
Cooperative employment by two county boards of public instruction; instruction unit	1941	293
Correspondence business course in public schools	1913	120
County school system, abolition of school district trustees; constitutional amendment, construction	1955	945
Credit of district, without authority to pledge except as provided by constitution	1923	141
Death of student, civil responsibility	1943	247
Debts		
Approval	1929	354
Special tax school district	1933	404
Contracting without consent of trustees; authority	1915	297
Deed; mineral reservation; school site	1949	295
Delegates to school convention; authority to send	1929	356
Dental clinic, maintenance	1941	246
Depository banks; payment of warrants	1947	154
Designation of school for high school pupil; transportation	1937	35
Detention home for children		
Exceptional child units	1957	191
Instruction units, attendance basis	1957	191
Determination of particular school children shall attend; attendance area of each school; authority	1939	177

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
County boards of public instruction (cont.)		
District bonds		
Call date	1945	420
Election; obtaining list of freeholders	1945	200
Issuance		
Initiating, method; cities within district	1949	314
Petition; re-use	1945	417
Proposal; authority	1945	417
Money, authority over	1915	248
Purchase; call	1945	392
Validation; method	1945	419
Districts		
Boundary changes	1951	361
Personnel; employment; re-jection of nominees	1945	383
Diversion of funds	1931	870
Documentary stamps; affixing to promissory note, not required	1931	609
Donation to private school; no authority	1949	301
Due bills, issuance	1917	417
Without authority	1931	733
		748
		847
Duties	1931	546
	1949	298
Section 454, R. G. S., under	1927	220
Duval county school budget		
Approval	1949	291
Jurisdiction of budget commission	1943	268
Elections; districts		
Ballot boxes; delivery	1947	300
Bonds; registration period	1949	148
		149
		153
Change of boundaries	1943	252
Failure to divide county into county bond election districts; effect	1939	174
Employees		
Cafeterias, P. T. A.; liability under workmen's compensation law	1943	378
	1949	305
Group insurance; payroll deductions; charge by employer; violation	1949	539
		543
		554
Responsibility to; cafeterias, P. T. A.; benefits workmen's compensation	1949	305
Salaries, assignment	1951	599
Workmen's compensation law; eligibility	1949	441
Employment		
Clerk for county superintendent; authority	1927	220
Instructors, teachers' training departments of high schools; authority	1915	185
Janitor for school building; authority	1931	1032
Staff, office of county superintendent	1933	418
Substitute and temporary teachers without nominations by trustees; authority	1939	200
Teachers; fixing salaries	1931	848

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
County boards of public instruction (cont.)		
Employment (cont.)		
Wife, husband lives out of state, claims Florida as residence	1933	398
Excess fees, distribution	1941	144
		145
		146
Extracurricular activity funds; responsibility	1943	246
Federal aid; regulations of state board relating to acceptance	1947	353
Fees paid under chapter 15903; authority of county commissioners to reimburse	1937	54
Filling of certain positions; authority	1959	248
Food for pupils, without authority to furnish but may provide transportation	1937	39
Freeholders; reregistration, prior to school district bond election	1955	727
Funds		
Distribution when insufficient to meet all demands	1933	425
Transfer		
Amount budgeted for one purpose to another purpose; authorization by state board of education	1937	39
County school fund, not advisable	1937	213
Permitted with approval of state superintendent	1937	198
Gasoline tax		
Money; without authority to use	1929	358
Storage, liability	1931	827
General school taxes; assessor's commissions; liability	1945	302
Hardee county; bonds, validity	1947	310
Health examination; authority to pay physician	1929	357
Hearings; attendance of witnesses; administration of oath, etc.; authority	1957	70
Hendry county; members, compensation	1947	300
High school pupils, designation	1937	35
Holidays for administrative personnel; power to determine	1947	307
Hotel employees; appropriation for vocational training	1947	475
Housing projects on military bases; responsibility for educational facilities for children	1949	253
		315
Improvement and beautification of school grounds; paving roads; cooperation with board county commissioners	1939	213
Indebtedness		
Liability of new county; compromise	1945	247
Payment; authority	1923	137
Instructional units; allotment; administration of school	1945	390
		416
Insurance		
District property; trustee as insurance agent	1945	381

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
County boards of public instruction (cont.)		
Insurance (cont.)		
Group		
Deduction of premiums from teachers' salaries	1939	24
Method of handling for employees	1929	362
Injuries to pupils	1947	281
Liability		
Motor vehicles other than school buses, covering operation of	1947	304
Purchase	1949	337
Premium receipts tax; unauthorized insurers; liability	1953	616
Public buildings in mutual insurance associations; authority	1933	428
Purchases; bids; requirement for purchases costing more than \$300	1957	902
Interest bearing notes to fund outstanding obligations, authority to issue	1939	214
Issuance of special tax school district bonds	1937	189
Judgments		
Obtained on any bonds or indebtedness subject to interest	1937	38
Purchase by board of education	1941	240
Junior college; county funds for establishment; authority	1953	319
Jurisdiction over all schools in county	1929	356
Land purchase, five year payment plan; legality	1959	308
Law of set off does not apply	1931	268
Liability for torts occurring in operation of school buses	1929	408
Longtime lease on land for school site; board authorized to obtain under school code	1939	193
Low bidders; no right to negotiate with; additional purchases over \$300.00	1949	315
Lunch program funds; accounting	1947	305
Maintenance of common schools, fixing estimates showing amount of money required	1927	302
Married pupils, school attendance		
Prohibition, authority	1951	386
Prospective motherhood, prohibition; authority	1951	386
Medical inspection; payment not authorized	1923	176
Meetings		
Newly elected board with old board; not within the law	1904	76
Number	1955	278
Reimbursement for mileage; limitation	1959	440
Travel allowances; Volusia county	1959	536
Members		
Additional	1945	380
		394
Appointment	1947	282
Compensation	1947	284
		285
		289

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
County boards of public instruction (cont.)		
Members (cont.)		
Additional (cont.)		
Time of assuming duties	1947	284
Appointed, commissioned until 1940	1937	36
Approval of payment of bills; interest	1951	728
Bonds; requirements	1933	216
Candidate; refund, filing fee after qualifying	1949	118
Compensation	1941	251
	1947	284
		285
	1949	329
		330
	1951	428
	1955	278
Absence because of sickness, entitled to	1931	533
General laws applicable	1949	329
Meetings attended	1949	330
Mileage	1937	37
	1941	252
		253
Section 530, compiled general laws, when entitled to, under	1931	536
Special federal census; effect	1955	125
Disabled; continuation of salary payments	1947	314
Dual offices, holding	1943	257
Election, method; Levy county	1931	943
Hearing before state senate; expenses and attorney's fee	1935	454
Increase; redistricting; filling vacancies	1945	380
		383
		387
		394
Injuries caused by school bus transporting defense units; members not individually liable	1941	252
Justice of peace, may also be	1917	410
Nepotism; relatives on payroll	1949	160
New; compensation; Pasco county	1947	285
Nomination	1947	98
Districts	1915	256
Election	1939	174
Certain counties	1939	39
Procedure	1941	88
Number	1935	460
Outside employment	1935	456
Residence districts	1955	529
Definition; vacancy	1949	300
Establishment, etc.	1947	285
		286
		287
		295
Salary		
Claim, legality	1943	251
Mileage	1945	383
Only that fixed by law can be paid	1931	542

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
County boards of public instruction (cont.)		
Members (cont.)		
Sale of textbooks by, unlawful	1933	426
School bus, payment for driving	1943	262
State employee, may also be	1949	155
Status if county redistricted	1923	274
Stockholder in bank, loans	1951	383
Suspension	1935	445
Teachers' retirement system benefits	1943	283
Teaching, right	1923	272
	1927	220
Term of office	1941	241
Transportation of students, not authorized to contract	1927	325
Trustee, election to board; effect	1945	404
Vacancy		
Appointment		
Governor to fill	1949	296
Term of office	1945	380
		404
Millage		
Adoption and certification	1941	285
Amount voted in special tax school districts, reduction under, not authorized; certain exceptions	1933	413
Fixing; authority	1909	73
	1913	187
Reduction	1931	600
		603
Time for furnishing to assess- or	1947	204
Money borrowed		
Amount under \$1085, school code	1939	150
		186
Authority	1917	431
	1923	137
		267
	1925	340
	1927	459
Current obligations; authority	1939	181
Dwelling; not authorized for building	1937	25
Eighty per cent expected revenue; authority	1931	603
		605
		823
		1048
Insurance and purchase of buses; authority	1937	30
Prerequisite	1927	300
School building and equipment; authority	1937	28
Special tax school district fund; not authorized	1927	303
Motor vehicles exempt from license tax, when	1931	350
Murphy act lands		
Acquisition	1945	275
Conveyance to county boards of public instruction	1955	217
New county; liquidation of debt through interest warrants	1945	420
Nominations for teachers and principals by trustees of school districts; rejection; authority	1925	76
Office building; purchase, repair	1943	178

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
County boards of public instruction (cont.)		
Official seal	1933	417
Paving lien assumed by; expenditure of school funds not authorized	1951	366
Payment of bills, approval; interest of member	1951	728
Pensacola junior college, change of location; use of funds; legality; restrictions	1957	682
Personal injury; liability	1923	214
Free transportation of pupils, while engaged in	1923	213
Personal property, disposal; method	1955	336
Personnel, appointment and re-appointment	1955	150
Other than instructional personnel, power of board to employ	1959	248
Revocation	1949	300
		304
Petty cash funds stolen, responsibility	1951	409
Place of regular meetings	1935	459
Population act fixing salaries; validity	1945	90
Powers	1937	173
Appointment of principal; time	1945	377
Building leased for school purposes	1939	150
District property; principal; salaries	1945	379
Principals		
High school; payment of salary for twelve months	1927	300
Reappointment	1941	256
Transfer	1955	150
Consent of trustees	1941	257
Promissory note not eligible as collateral	1931	311
Property		
Powers; real estate exchange	1949	296
Proposed lease actually sale	1939	150
Unused school; disposal; powers	1951	399
Public employees; group insurance; discrimination	1949	539
Public funds		
Expenditure not authorized	1923	142
Payment into a trust; employees' health and hospitalization insurance, authority	1955	131
Public health nurse; authorization to employ	1931	531
Public school buildings, coverage with mutual fire insurance companies	1941	305
Purchase of supplies, etc., from oil company; member, lessee, operates filling station; legality	1951	385
Purchases, acceptance of low bids	1959	549
Racing funds		
Apportionment, use	1945	623
Borrowing power; inclusion	1953	331
Disposition	1941	686
Distribution; construction of former act; Gilchrist county	1955	905

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
County boards of public instruction (cont.)		
Racing funds (cont.)		
Donation; school operations; authorized	1951	403
Duties of county commissioners	1945	248
Pledge	1947	198
Repair of district buildings; expenditure	1945	386
Replacement		
Leon county	1943	436
Madison county	1943	436
Time at which payable	1945	390
Real estate exchange; school board property; general powers	1949	296
Real property		
Acquired by, tax liability; limitation	1951	291
Gift; use limited for playground purposes; authority to accept	1953	635
Transfer, procedure	1955	267
Recommendation by county superintendent for appointment of employees may be rejected without stating reasons	1939	154 160
Recreational facilities, joint operation with county and municipality	1951	379
Redistricting of county		
New county created, when	1915	183
School board member district; effect	1953	322
Refunding plan, approval	1941	304
Religious exercises; permitting use of school buildings	1915	179 182
Removal of building; private citizen might bring proceedings against, to cause	1927	220
Rental of demonstration school unit	1943	249
Residence districts		
Boundaries	1947	285 287
Construction of law	1947	288
Establishment, etc.	1947	295
Resignation of trustees, special tax school district to be addressed to	1937	197
Retirement of teachers age 65 not required	1949	303 318
Retroactive leaves of absence; retirement credit granted; authority	1951	412
Revenue certificates; pledge of racing funds	1947	198
Road superintendent; eligibility as member	1945	202
Rubber stamps, when may be used	1931	537
Rules and regulations		
Absence of teachers for personal reasons	1939	203
Adoption; authority	1937	26
St. Petersburg junior college; status	1945	444
Sale of bonds, authority	1939	210
Sanitary closets under supervision	1923	174

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
County boards of public instruction (cont.)		
School attendance between certain ages; not authorized to prohibit	1923	140
School auditorium; authority to rent	1937	197
School books, sale by member, unlawful	1933	426
School building construction, member of board as subcontractor for general contractor; legality	1959	724
School construction, change order, expending additional funds; authority	1955	921
School district		
Bonds, investment of sinking fund	1941	285
Elections		
Canvass	1941	243
Insufficient votes cast, subsequent balloting	1941	289
Polling places	1941	291
Publication of notice	1947	299
Merger, debt division	1941	293
Millage, reduction	1941	187
Organization, area	1941	293
Sinking funds, investment of interest	1941	310
Trustees		
Appointment, procedure	1941	259
Legal counsel, employment	1941	261
Residence qualifications	1941	262 263
School funds		
Athletic association dues, payment	1941	310
Attorney's fee; trustees	1949	290
City streets adjacent school property, use for grading permitted	1949	295
Deposits of, construction of law	1929	230
Disbursement	1941	304
County health units	1951	393
Expenditure		
Adult education program; legality	1937	206
Community recreation building, defrayment of cost of, not permitted	1937	202
District trustees	1941	260
Improving school site	1941	249
Lunchroom project in school operated by Cuban government; not authorized	1939	212
Salaries and equipment	1941	247
Special tax districts, authority over funds	1915	186
Transportation of students	1941	248
Vocational education	1941	248
Florida education association, use for defrayment of expenses of meetings	1941	245
General county school funds, distribution of proceeds	1929	359
Interest payments on deposits	1929	358
Legal owner	1945	372
Nurses, employment, or support of health unit; use for not authorized	1937	26

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
County boards of public instruction (cont.)		
School funds (cont.)		
Special audit; authority to spend on	1937	33
Teachers' summer school expenses, use for defrayment	1941	245
Welfare purposes, use for	1945	421
School indebtedness, funding	1941	312
School lunch personnel		
County officers, employees retirement system, eligibility	1951	243
Employees, classified	1951	243
Workmen's compensation, eligibility	1951	243
School nurse, employment	1951	390
School premises; use for other purposes	1945	397
School property		
Disposal; authority	1955	603
Held in name of municipality, authority	1941	254
Insurance; mutual fire insurance company	1951	662
Power to sell; procedure	1945	391
Purchase	1941	306
Unneeded; lease	1947	320
School site		
Mineral reservations in deed; acceptable	1949	295
Purchase	1919	81
	1925	338
Minimum foundation funds, use for authorized	1951	403
Obligation extending over four-year period; without authority to incur	1939	181
Selection	1949	295
		296
		300
School warrants, compromise of interest due	1941	237
Secretary; compensation	1905	195
Services; compensation	1941	251
Sinking fund		
Bonds must be used for specific purpose	1931	534
Investment; authority	1925	338
		341
	1931	613
Moneys, without authority to lend	1931	608
Social security coverage for county employees; status of non-instructional employees of county school board	1955	949
Space in county courthouse, providing	1953	324
Special audit, authority to spend money	1937	33
Special tax school districts		
Attorney, employment	1933	414
Bonds		
Acquired through distribution of bonds taken in under Futch act for refunding bonds, authority of board to exchange	1939	166
Sale; procedure	1929	360
Boundaries, revision may be made by boards; must be submitted to electors of district affected	1933	411

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
County boards of public instruction (cont.)		
Special tax school districts (cont.)		
Election, duty to call	1931	594
Funds		
Authority to use	1917	419
Duties and powers as to	1929	398
Stadium		
Bonds; validity	1947	308
Cooperative construction with nonprofit organization; lease	1949	290
Suit cannot be maintained against, for negligence of bus driver; not authorized to use funds for payment of medicine and hospital bills	1933	416
Supervisors, cooperative employment, instruction unit	1941	293
Supplies, purchase		
Corporation in which member is stockholder, from; legality	1947	323
Members; legality	1951	730
Relatives of members	1935	462
Statutory requirements	1945	391
Swimming pool, construction jointly with a municipality; use for school purposes	1949	308
Tax anticipation notes		
Purchase	1941	241
Renewal lawful unless in excess of eighty per cent of anticipated revenue	1933	424
Tax assessor's commissions; time of payment	1947	202
Teachers		
Appointment, recommendation	1941	259
Continuing contracts, issuance	1941	250
		251
Defined; compensation; salary schedule; teaching service; etc.	1959	558
Employment		
Authority	1931	644
Husband lives out of state but claims Florida as his residence	1933	398
Salary	1931	848
Group insurance; right of board to deduct premiums	1939	24
Injuries; liability of board under workmen's compensation	1949	438
Military leave of absence	1941	99
Past due salaries, board without authority to pay interest	1931	541
Powers	1937	173
Release; reinstatement	1949	299
Removal or suspension; drunkenness away from school	1957	749
Textbooks; requiring deposit as security; legality	1945	391
Time warrants		
Issuance not authorized	1927	304
Special tax school district; outstanding; purchase of with district funds unlawful	1933	406
Torts; nonliability	1947	304
Traffic safety		
Crossing flagman; authority to employ	1951	397

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
County boards of public instruction (cont.)		
Traffic safety (cont.)		
Officer; authority to employ	1947	311
Transition to five-member boards	1947	287
Traveling expenses of, while inspecting public schools	1915	176
United States war bonds, purchase	1943	269
Vacancy	1923	296
Appointment	1957	573
Term of office	1941	241
		242
Filling	1955	150
Governor's authority; term of appointment	1949	296
Member moving from district	1949	300
Nomination of member; subsequent procedure	1947	96
Vice-chairman; surety bond, amount	1951	383
Warrants		
Compromise of interest due; Holmes county	1941	237
Purchase by board of education	1941	307
State school funds, investment	1941	239
Water system; power to acquire and operate	1945	396
Workmen's compensation law; school board tort liability	1949	438
Works progress administration construction project, participation in by furnishing materials	1939	175
County school officers; county school fund can only be used for payment	1931	614
County school system, abolition of school district trustees; constitutional amendment, construction	1955	945
County superintendent of public instruction		
Attorney fees		
Payment	1953	320
	1955	150
Suit, defending; payment by school board	1947	307
Bonded deputy sheriff, appointment as; to serve without pay; eligibility	1957	511
Bonds; payment only upon authority of board of public instruction	1935	453
Books, audit; by request of P. T. A.	1951	379
Bus drivers; recommendation for employment	1951	366
Candidates for office; requirements	1947	301
		302
Clerk in office of; board may employ	1927	220
	1933	417
Compensation	1923	208
		269
		294
	1925	335
		339
	1931	534
		600
		602
		768

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
County superintendent of public instruction (cont.)		
Compensation (cont.)	1935	461
	1939	67
	1941	336
	1951	428
Amount of, under chapter 5658	1913	237
Annual receipts, based upon Board not authorized to reduce	1915	253
	1931	603
		607
Clerk of school board, as Computation	1904	75
	1939	211
	1943	257
	1945	442
Construction of law	1931	372
		534
		596
		600
County school fund, paid from	1913	209
Decrease in, law does not prohibit, though corrupt practice act would be construed as violated in certain cases	1931	612
Fixing amount; method	1917	344
		452
General revenue fund	1921	263
Limitation	1951	424
Polk county	1941	336
	1957	291
Principals of schools, prerequisite for payment of one year's	1927	300
Provided by certain chapters; effective date	1959	463
School budget	1933	430
Section 553, C. G. L., under Statute, authorized by	1937	81
Statute, authorized by	1925	339
Compulsory school attendance law, responsible for enforcement	1931	733
County courthouse, space	1953	324
District employees, nomination; authority	1945	383
Election, appointment; method, etc.	1957	12
		253
Eligibility	1947	301
		302
Practicing physician	1947	300
Retired teacher to hold office	1945	429
Employees in office		
Board shall employ	1933	418
Duties	1949	297
Expenses not paid from school fund	1911	42
Finance officer; veterans' service officer holding both positions	1949	343
Flag salute, nonparticipation of student	1943	256
Jehovah's witnesses; refusal to salute flag; powers	1943	256
Leave of absence	1935	216
Liability; countersigning certain warrants	1943	262
Military leave of absence; bond	1941	102
Municipal office, right to hold	1943	251
Noninstructional employees, appointment of upon recommendations	1939	154
		160

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
County superintendent of public instruction (cont.)		
Office hours	1943	251
Official bonds, amount of under school code	1939	191
Opinions	1917	338
Personnel, appointment and re-appointment	1955	150
Powers and duties	1941	266
Professional administrative assistants in office; continuing contracts, issuance	1951	389
Qualifications	1945	429
Certain not required	1927	301
Rubber stamps, use in signing official documents	1931	594
School census, compensation	1909	82
School employees, authority to recommend appointment and right of board to reject	1939	160
Schools needed, duty to recommend location	1939	163
Service credit; superintendents, teachers	1943	280 281
Special tax districts		
Bonded indebtedness, obligation	1927	302
Bonds		
Chapter 11855 not applicable	1927	301
Principal and interest, duty in re payment	1931	601
Funds; tuition payment, not authorized	1927	299
Sinking fund; investment	1927	306
Trustees and board, powers	1927	220
Surety bond; premiums	1935	467
Teaching prohibited	1921	262
Trustees; supervision all schools within tax school district; recommendations	1949	293
Unsuccessful candidate for reelection; continuing contract, issuance	1959	367
Vacancy; filling by election; term, filing fee	1945	198
Warrants, countersigning	1921	320
Courses of study bulletins, costs of preparing and printing payable from state textbook fund	1939	188
Crippled childrens' hospital, school instruction to children confined in; sales of alcoholic beverages near, prohibited	1951	619
Day nurseries, etc.; licensing, regulation	1947	438
Deaf and blind school, right to sue and be sued	1941	335
Death of student; liability of county board	1943	247
Debts		
New county; liquidating through interest warrants	1945	420
No remedy at law	1931	538
Definition	1953	511
High school grades	1939	145
Degrading punishment, defined	1957	7
Demonstration school; exchange of teacher with Great Britain; salary payment	1955	382
Dental clinic; maintenance by county board of public instruction	1941	246
Depositories; payment of warrants	1947	154

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
Discontinued instruction units for transportation; procedure for determining	1941	288
Districts See: School districts, this heading		
Driver's school; instruction by public school teacher; license requirement	1955	612
Education, board of See: State board of education, this heading		
Election districts		
Change of boundaries	1943	252
Division of county into, failure of school board to accomplish; effect	1939	174
Elementary; instruction units, computation	1941	286
Employees		
Certification; effect of proposed regulations	1945	398
Insurance, workmen's compensation	1935	535
Sick leave; compensation	1945	399
Workmen's compensation law; application	1945	399
Erroneous sale of land by state board; refund	1945	362
Exceptional children, operation, county tax fund	1951	361
Expense not to be prorated	1923	254
Federal aid		
Custodian, acceptance	1951	400
Regulations of state board relating to acceptance	1947	353
Field trips See: Attendance, this head		
Finances; adoption of budget	1943	267
Fire extinguishers, to be equipped with	1937	618
Flag salute; pledge of allegiance	1943	256
Florida council for the blind; blind negro persons not extended instruction	1949	307
Free schools		
Application of law	1931	806
Free to all between certain ages	1923	140
Freeholders; registration; bond election, Monroe county	1949	152
Governmental contracts, penalty clauses in, legality	1959	718
Grandstand on school property; county commissioners without authority to expend funds for	1949	176
Health, two weeks residence of out-of-state pupils required before enrollment	1935	451
High schools		
Attendance by married women	1941	237
Definition of grades	1939	145
Mutual indemnity for athletics constitutes insurance	1939	130
Salary of principal, school board may pay for one year under certain conditions	1927	300
Sorority; formation prohibited by Florida law	1949	328
Student council; lunch counter; hotel commission; jurisdiction	1949	475
Teachers' training department; authority of school board to employ instructor	1915	185
Transportation of pupils, charged against teachers' salary fund	1939	146

Subject	Year	Page
SCHOOLS (cont.)		
High schools (cont.)		
Trustees, authorized to nominate principal and teachers	1925	76
Tuition required of nonresident pupils	1927	299
Workmen's compensation law re students; construction of term "employee"	1939	367
Holidays		
Administrative personnel; powers of county board	1947	307
Armistice day, payment of teachers	1935	449
Home demonstration agents	1935	450
Hotel employees; appropriation for vocational training	1947	475
Indebtedness		
Bond or written evidence; judgments obtained on	1937	38
County and district, funding	1941	312
Exclusive methods of incurring for school purposes	1939	188
Liability of new county; compromise	1945	247
Refunding plan, approval	1941	311
Industrial school for boys See: INDUSTRIAL SCHOOL FOR BOYS		
Industrial school for girls See: INDUSTRIAL SCHOOL FOR GIRLS		
Instruction units		
Allotment; administration by county board	1945	390
		416
Computing; \$1004, School Code	1939	148
Cooperative supervisor of instruction, two counties	1941	293
Detention homes, not to be allotted on attendance basis of children committed to	1957	191
Transportation		
Based on area; procedure for determining number	1939	144
Procedure for determining	1941	288
Instructional personnel See: Teachers, this heading		
Insurance		
Blanket coverage; teacher and principal activities; violations	1953	627
Buildings		
Companies dividing profits	1935	454
Five-year premium payment plan; acceptability	1953	329
Mutual fire insurance companies, coverage	1935	455
	1937	161
District property; trustee as insurance agent	1945	381
Injuries to pupils	1947	281
Liability		
Motor vehicles other than school buses	1947	304
School buses	1935	457
		459
Students and faculty; governmental immunity	1951	417
Money received, expenditure for purchase of another building	1935	466
Interest-bearing coupon warrants, issuance authorized	1939	214
Junior colleges See: JUNIOR COLLEGES		
Juvenile law breakers, apprehension, custody, etc., within school area; school officials' authority re	1959	358

Subject	Year	Page
SCHOOLS (cont.)		
Kindergartens		
Principal; certificate requirement	1905	60
Teacher's certificate, requirement	1905	84
Lands		
Interest acquired by railroad in right of way	1945	506
South Florida conservancy district, liability for drainage taxes	1939	298
Lease		
Houses for teachers at university; method	1945	435
Unused school property by county board	1947	320
Levy for by county budget commission and county board of public instruction subject to review by state board of education	1933	147
Lewis scholarships See: SCHOLARSHIPS		
Librarians; payment from public funds	1935	449
Lighting; minimum requirements; regulations of state board	1947	323
Loans		
Interest, payment in advance	1935	464
Teachers and bus drivers, payment	1937	172
Trust fund created by chapter 16114, acts 1933, when authorized	1933	421
Location		
Federal property, on	1921	199
Two school buildings within three miles	1935	442
Lunch counter operated by student council on football field; hotel commission without jurisdiction	1949	475
Lunch program		
Federal aid; purposes; administration	1945	375
Funds; accounting	1947	305
Lunchrooms		
County board not authorized to expend school funds for, school operated by Cuban government	1939	212
Oleomargarine; coloring, etc.	1943	429
Personnel		
County officers' and employees' retirement system; eligibility	1951	243
Employees, classified	1951	243
Workmen's compensation, eligibility	1951	243
Responsibility	1943	253
Maintenance		
Buildings and insurance, special tax school district, payable from funds of district	1933	409
Soup kitchen as educational purpose	1929	355
Married pupils, attendance		
Prohibition, authority	1951	386
School board authority re	1959	284
Massage school operated by county; exemption from license	1947	469
Medical; university of Miami; students, residence requirements	1953	342
Military drills; suspension for non-participation	1943	248
Milk and milk products		
Price fixing; prohibited	1953	511

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
Milk and milk products (cont.)		
Regulation of production and distribution	1947	473
Millage		
Adoption and certification	1941	285
Law	1925	335
Maintenance of county schools	1929	376
Reduction by county commissioners	1941	307
School purposes	1909	73
Levy by county commissioners	1905	162
Minimum age for admission to first grade	1939	216
Minimum foundation program		
Capital outlay funds		
Bond issue for; use for debt service, outstanding bonds	1951	407
Use restricted	1949	311
School funds; Duval county budget commission, control	1949	291
School site; purchase; use of funds, authorized	1951	403
State school board regulations; teacher contracts; no authority	1949	312
Minors, employment certificates	1941	602
Money borrowed		
Borrowing limit of board of public instruction	1935	448
	1939	186
Building purposes to meet federal aid requirements	1935	452
Erection of or additions to school buildings; no authority under §1085, School Code	1939	181
Moneys derived from taxes in one district cannot be transferred to the account of another district, etc.	1939	177
Motor vehicles; required to stop when approaching school bus, loading or unloading children	1929	339
	1935	449
	1937	208
Municipal		
Building code; effect upon school construction	1947	321
Taxes on lots in use for school purposes, liability	1935	438
Museums; tax exemption	1947	190
Nurse, contribution toward expenses	1953	153
Nursing scholarship; attendance at out-of-state school affiliated with Florida schools of nursing	1955	593
Obsolete firearms; sale by adjutant general; disposition of proceeds	1947	586
Officials		
Bonds		
Premiums on; payment	1933	216
Requirements	1939	147
		191
		193
Commission fee; payment	1935	465
Military service; effect	1943	255
Suspension of pupil, overrule of principal not authorized	1937	209
Opening date	1945	404
Operation and maintenance, effect of proviso contained in §27, chapter 18134	1937	206
Parent-teachers' association		
Funds; accounting	1947	305
		306

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
Parent-teachers' association (cont.)		
Funds; accounting (cont.)		
Lunch program	1947	305
Parity clause appropriation act		
Payment of state salaries; construction of law	1939	4
Unchanged by constitutional amendment	1937	11
Parking spaces upon school property, construction; county commissioners, authority	1957	110
Parochial; proximity of liquor vendor	1945	409
Paving of roads, improvement and beautification of grounds; authority of county commissioners	1939	213
Pensacola junior college, change of location; use of funds; legality; restrictions	1957	682
Personnel		
Employment for certain positions; procedure for filling	1959	248
Military leave of absence	1941	264
Premises; use for other than school purposes	1945	397
Prepared course of study, classified as supplementary textbook	1937	204
Principals		
Appointment; reappointment; revocation	1949	304
Athletic coach; employment	1945	403
Compensation when absent; legality	1937	171
Employment	1941	256
Free rental of district property	1945	379
Instructional staff; nomination for reappointment; trustees	1949	291
Leave of absence; extra compensation; legality	1947	314
Military leave; reemployment after	1945	225
Mother's aid, certification to board of persons entitled to	1931	606
Nomination by trustees of school districts		
Appointment by board	1945	377
Right of board to reject	1925	76
Reappointment	1941	255
		256
Reinstatement by court order; compensation	1937	202
Salaries; free rental of district property	1945	379
Supervising; employment for two-year period based on recommendation of trustee	1939	214
Teaching staff, recommendations for employment; powers	1951	368
Transfer, consent of trustees	1941	257
Private schools		
Donations; county school board; legality	1949	301
Federal aid lunch program, eligibility to share in	1945	375
Homestead exemption	1941	158
Instructional units, allotment	1945	390
		416
Liquor vendor, proximity	1945	409
Private school bus painted national chrome color, whether violative public school code	1959	123
Real estate, donation by county	1945	454
Tax exemption	1947	191

Subject	Year	Page
SCHOOLS (cont.)		
Private schools (cont.)		
Textbooks, state-owned; use	1943	261
Proceeds from sale of certain lands; twenty-five per cent	1907	134 146
Professional administrative assistance; continuing contracts, issuance	1951	389
Property See: School lands, this heading		
Proposed lease, actually sale of property	1939	150
Public		
Definition	1953	511
Propagation of religious doctrines	1917	97
Public library; expenditure and support	1935	467
Pupils		
Admittance	1937	208
Age requirements	1929	360
	1945	404 405 406
	1947	315 316 317
Minimum for first grade	1939	189 216
Attendance		
Excluding from	1913	264
Record not to show present on Armistice day	1931	543
Backward; no authority to expel	1937	207
Board; boards of public instruction not authorized to furnish but transportation may be paid	1937	39
Compulsory physical examinations; Christian scientists not exempt	1949	294
Corporal punishment by teachers; authority	1937	169
Designation of school by board; transportation	1937	35
Employment; part time	1941	337
Immunization, compulsory	1941	244
Married and unmarried; status	1937	211
Military drills; nonparticipation; suspension	1943	248
Nonresident; tuition	1929	394
	1947	281 282
Parochial schools; transportation in county school buses	1943	262
Pledge of allegiance to flag	1943	256
Residence and time of enrollment	1945	405
Suspension		
Nonparticipation in military drills	1943	248
Officers not authorized to overrule principal	1937	209
Refusal to salute flag	1937	212
Transportation		
Another county, to; county expense	1955	278
Contracts for	1931	540 613
School board without authority to make	1927	325
Costs	1931	983
School board may pay	1931	597
High schools		
Central; definition of high school grades	1939	145

Subject	Year	Page
SCHOOLS (cont.)		
Pupils (cont.)		
Transportation (cont.)		
High schools (cont.)		
School board required to furnish, when	1937	35
Warrants to be drawn against teachers' salary fund	1939	146
Items which can be charged under §1012, chapter 19355	1939	146
Jurisdiction of board of trustees	1935	442
Liability insurance protection	1949	306
Parochial school pupils in county buses	1943	262
Public and parochial students; school bus driver, contracts; legality	1953	327
School board authorized to provide for pupil	1937	39
School buses, foreign countries; agreements	1951	395
Traffic law for school buses; warning signs; city enforcement	1949	305
Trustee as school bus driver; employment prohibited	1949	305
Tuition		
Application of law	1931	413
Workmen's compensation law re term employee, construction	1939	367
Purchases		
Costing more than three hundred dollars; requirement for bids	1939	153
Site for school building	1919	226
Supplies, etc., from corporation in which board member is stockholder	1947	323
Racing funds		
County board's share	1945	248 390
County commissioners may allot to county school fund	1933	421
Diversion to other than school purposes	1945	623
Donation; use for school operations	1951	403
Teachers' salaries and bus transportation, payment	1937	175
Use	1935	447
Noneducational purposes	1947	622
Railroad right of way across school lands	1945	506
Real property, transfer; procedure	1955	267
Receipts		
Application in law	1907	182
Definition; computation of county superintendent's salary	1945	442
Refunding indebtedness; notes; resolution proposing program	1943	269
Religious instruction; legality of plans	1947	318
Repair of district buildings; expenditure	1945	386
Repeal, chapter 19336	1939	191
Residence districts; construction of law	1947	288
Revenue certificates; pledge of racing tax	1947	198
Ruge trust funds See: RUGE TRUST FUNDS		
Rural school inspectors		
Appointment	1919	97

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
Rural school inspectors (cont.)		
Form of commission	1919	148
St. Petersburg junior college; status	1945	444
Sanitary closets	1923	174
Scholarships See: SCHOLARSHIPS		
School buses See: Buses, this heading		
School districts		
Board member residence districts; establishment, etc.	1947	285
		286
		287
		295
Bonds See: Bonds, this heading		
Boundaries	1947	286
Changes	1951	361
Advertisement	1947	285
Method	1905	157
		158
Right of school board to make	1929	396
Clerks and inspectors; qualifications	1955	337
Consolidation	1921	198
	1927	305
Debts; liability	1931	915
	1941	293
Procedure	1945	173
	1947	296
Special election	1943	263
Unissued bonds; effect	1947	574
Creation of new district; tenure of former trustee	1947	291
Elections	1921	204
		319
Ballots		
Ballot boxes, delivery by county school board	1947	300
Form	1951	400
Millage, levy; amount, determination	1951	400
Canvass	1941	243
Clerks and inspectors		
Appointment	1949	102
		103
Ballots	1949	102
Qualifications	1955	337
Electors		
Qualifications	1941	292
	1947	294
	1951	400
		403
Affidavits	1951	405
Irregularities; effect	1947	297
Millage; determination of results	1945	413
Petition and notice, time of publication in elections	1913	250
Polling places	1941	291
Ballot boxes; requirements	1949	312
Procedure	1947	296
Publication of notice	1947	299
Registration		
Charlotte county; closing of books	1951	113
Qualifications; Flagler county	1949	313
Reorganization; adverse vote in one or more areas	1945	416
Requirements	1949	313
Supervisors of registration; duties and compensation	1939	185
	1951	405

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
School districts (cont.)		
Elections (cont.)		
Time of election	1947	114
Trustee as candidate	1949	103
Unqualified person, effect of voting	1945	415
Voting machines		
Instructions	1949	314
Use	1945	176
	1949	109
	1921	347
Enlargement		
Freeholders; reregistration, prior to school district bond election	1955	727
Funds		
Control	1921	202
Legal owner	1945	372
Not transferable	1917	341
Use; tuition charges for attending schools in other districts	1939	177
Millage; election	1905	203
		205
Organization; area	1941	293
Petition to annex additional territory	1933	405
Racing funds; allocation for repairs, expenditure	1945	386
Redistricting; appointment of new members	1947	286
School personnel; nomination, employment	1945	383
Sinking fund		
Borrowing from another district; authority	1917	342
Interest, investment	1941	310
Tax; homestead exemption	1945	776
Special tax districts		
Abolishment, application of law	1931	982
Adjustment of accounts under Futch act	1937	179
Amendment of budget in district No. 11	1937	180
Approval of purchases by board of public instruction	1935	429
Assessment of taxes	1923	102
		109
	1927	179
Fees	1931	606
		951
	1935	245
Attorney, may employ with consent of board of public instruction	1933	414
Board of public instruction, powers construed	1927	220
Bond elections	1931	928
Electors, qualifications	1915	234
Effect of homestead amendment on	1935	427
Registration books to be kept open, if	1937	147
Special	1917	415
Bonded indebtedness, obligation	1927	302
Bonds		
Accrued interest coupons, with; may be used to pay debts	1939	207
Another district, of; purchase	1935	436
Board cannot divert from purpose contemplated	1937	184

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
School districts (cont.)		
Special tax districts (cont.)		
Bonds (cont.)		
Board of forestry and parks; assessment; payment	1943	454
Cancellation of bond fund exceeding constitutional limit	1935	434
Consolidation as affecting indebtedness	1937	187
Delinquent taxes; clerk circuit court required to cancel and deliver to board, bonds and coupons received in payment	1939	207
District 19, Escambia county	1937	185
District 23, Bay Springs, Escambia county	1937	185
Exchange through distribution of bonds taken in under Futch act for re-funding bonds; authority of county board	1939	166
Homesteads, exemption	1939	458
	1947	616
Issuance	1925	310
	1937	189
Application of law	1931	1015
Authority	1923	298
Chapter 11855 not applicable	1927	301
Funds derived from; use	1917	453
Joint, by two districts	1941	291
Proper organization of district as a prerequisite	1915	250
School building improvements	1931	378
Twenty per cent of assessed value in district, not to exceed	1925	232
Voting	1933	409
Levy, authority of county commissioners to make	1929	412
Matured; partial payment may be made pro rata on all matured bonds	1933	408
Money; authority over expenditure	1915	248
Principal and interest, duty of board of public instruction in re payment	1931	601
Proceeds		
County treasurer custodian	1913	166
Purpose for which may be used	1937	194
Publication of notice of sale	1929	360
	1937	193
Purchase of; board of public instruction, by; unlawful	1933	407
Registration; application of law	1931	1014
Statutory interest on judgment for; computing	1937	186
Boundaries		
Limits of county, cannot extend beyond	1923	296
Revision of may be made by board of public instruction but must be submitted to electors of districts affected	1933	411

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
School districts (cont.)		
Special tax districts (cont.)		
Building improvements, issuance of bonds for	1931	378
Certain money, method of handling	1927	187
Certificates of indebtedness, without authority to issue bonds for payment	1931	536
Collection of taxes	1927	179
Fees	1923	208
	1931	606
Compromise adjustment of certain accounts by board of county commissioners	1931	552
Consolidation as affecting bonded indebtedness	1937	187
Construction of buildings in; authority of county board	1913	210
Contract obligations of school board; enforceability	1937	187
County board public instruction not authorized to borrow money upon credit of	1923	137
Creation	1907	192
Rule defined	1923	77
Credit, without authority to pledge except as provided by constitution	1923	141
Debts		
Approval by board of public instruction of county	1933	404
When not authorized to create	1929	354
Elections	1933	367
	1935	433
Absentee voting	1949	112
Application of law	1931	989
Consolidation or creation	1923	254
	1927	305
	1931	542
Electors; qualifications	1937	148
		194
Majority vote must be recorded in both districts	1931	605
Proceedings	1925	309
Duty of school board to call	1931	594
Electors; qualifications	1917	468
	1923	257
	1929	401
	1931	544
		597
		810
		977
		1013
	1939	156
Certain persons not qualified	1931	599
Court only has right to pass upon	1939	208
Interpretation of law	1931	751
Millage to be assessed	1931	1011
Publication of notice	1937	188
		192
	1939	151
Returns, who to canvass	1913	186
Supervisor of registration, duties	1939	68
Time required for publication of notice and petition	1913	250
Validity of certain	1935	433

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
School districts (cont.)		
Special tax districts (cont.)		
Elections (cont.)		
Voting	1933	404
Prerequisites	1931	598
		599
		970
		1012
Payment of taxes	1937	149
	1939	205
Enlargement	1917	414
Funds	1909	74
Amount set apart for pay- ment of teachers' sal- aries not transferable	1931	607
Band uniforms, expendi- ture for, not authorized	1939	205
Bills of another district, use for payment of pro- hibited, unless all funds placed in one account	1933	403
Board not authorized to borrow	1927	303
Current; expenditure; au- thority	1915	186
Deposit, security	1919	184
Duties and powers of board of public instruction and school trustees	1929	398
Insurance and maintenance of buildings payable from, even though title is vest- ed in board of adminis- tration	1933	409
Investment	1935	433
		435
Outstanding time warrants of board of public in- struction, use for pur- chase of, unlawful	1933	406
School; contract involving, made by trustee, against public policy	1927	222
Separate insurance	1935	431
Transfer of under chapter 18134	1937	198
Transportation of pupils into another district, use for not authorized	1933	403
Tuition, superintendent of public instruction not authorized to pay from	1927	299
Unused; reapportionment	1913	110
Millage levy	1935	429
Last voted still in effect	1931	612
Reduction	1941	187
Freeholders only have power	1931	604
Not authorized	1931	602
Trustees not authorized to change	1949	312
Organization; method	1917	413
Petition to annex additional territory to any district, one fourth of voters of each dis- trict necessary to sign	1933	405
School privileges, without au- thority to deny	1923	144
Sinking funds		
Board to invest, when au- thorized	1931	613
County board public instruc- tion not authorized to borrow	1927	303

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
School districts (cont.)		
Special tax districts (cont.)		
Sinking funds (cont.)		
Handling	1929	411
Investment	1925	206
	1927	306
Method of handling money collected and interest	1927	187
Use for purchase of bonds of another district al- lowed but not bonds of same district	1933	408
Street improvement lien, special assessment upon; liability	1937	190
Subschool district tax	1907	49
Tax assessor		
Fees	1931	1005
	1935	438
Not entitled to	1931	595
Teachers		
Appointment, who author- ized to make	1913	247
	1931	643
Rejection by board solely on ground of county resi- dence, not authorized	1933	411
Trustees		
Agreement for children out- side of district to attend school; authority	1927	304
Eligibility	1931	1013
Grades, powers	1935	431
Nepotism	1935	723
Powers construed	1927	220
Resignation and filling va- cancies	1935	430
Right to hold office to be determined at time point of qualification raised	1931	595
Salaries of teachers; not au- thorized to fix	1931	603
Teachers for high schools, without authority to make nomination	1937	169
Tuition for nonresident pu- pils may be paid if plan agreed to by trustees and approved by board of public instruction	1927	299
Special tax, subschool district, new districts; method for changing	1905	157
		158
Tax collector's commission; de- ductions	1943	212
Tax levy		
County commissioners, powers	1905	208
Extra millage	1907	49
Three mills, not to exceed	1904	78
Trustees See: Trustees of school districts, this heading		
School funds		
Accruing during current year, sub- ject only to teacher's sal- ary and transportation incurred during that year	1933	420
Adjustment under Futch act	1937	179
Administrative or supervisory work; use for not authorized	1931	418
Apportionment and distribution	1931	813
Attorney, employment by school board; authority	1949	290

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
School funds (cont.)		
Band uniforms, purchase	1947	291
Beverage act, construction of re distribution of moneys	1937	2
Bond issue; consultants or agents; authority	1949	297
Budget commission; control	1949	291
City streets adjacent to school property; use of, to grade	1949	295
Commission for assessing and collecting the ten mills levy provided for; application of law	1931	347 1055
Community buildings, construc- tion; cannot be used for	1937	202
Comptroller authorized to pay \$366, 146. 83 as supplement	1939	218
Continuing appropriation from general revenue fund	1937	5
Correspondence business course, use of in procuring	1913	120
County and district; legal owner	1945	372
County treasurer		
Borrowed money, no fees al- lowed for handling	1913	123
Certain fees paid from	1913	80
Custodian of funds arising from sale of school bonds	1913	166
Depository		
Interest on daily balances	1927	305
Section 1560, R. G. S., con- struction with reference to	1927	176
Securities	1935	461
Deposits, construction of law	1929	230
Disbursement by county boards of public instruction; county health units	1951	393
Distribution	1931	923
Payment by school board when insufficient to meet all demands	1933	425
District; investment	1935	456
Dues, athletic association; pay- ment	1941	310
Employment of nurses or support of health unit, not to be used for	1937	26
Establishment of; construction of beverage act	1937	219
Expenditure	1931	801
Administration building, con- struction; proper expendi- ture	1937	34
Adult education program; le- gality	1937	206
Community building, con- struction; not proper ex- penditure	1937	202
County board of public in- struction	1931	351
	1941	247
County forester; legality	1937	24
District trustees	1941	260
School site, improving	1941	249
Transportation of pupils	1917	443
	1941	248
Vocational education	1931	348
	1941	248
Fees collected under game and fish act credited to after de- duction for payment of sal- ary to game warden	1927	357

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
School funds (cont.)		
Fines and forfeitures		
Not placed in	1913	184
Transfer	1909	49
Foundation program; instruction- al personnel, salaries	1953	329
General revenue as applied to schools	1907	109
Housing authority bonds as se- curity for deposit of; eligi- bility	1957	144
Instruction salary portion warrants unlawfully drawn; restoration of funds	1941	295
Interest		
Account; expenditure	1941	295
Payments on deposit	1929	358
Interest-bearing notes to fund outstanding obligations, au- thority of school board to issue	1939	214
Investment	1945	373
County board of public instruc- tion warrants	1941	239
United States war bonds	1943	269
Legal title in state	1931	978
Loan, temporary, permitted; ap- proval state board; Dade coun- ty	1949	311
Millage		
County commissioners, duty to certify to tax assessor	1931	517
Fixed by school board	1913	187
Monthly installment; payment by comptroller	1939	217
Municipality		
Overpayment of interest; re- fund	1949	282
Property; auditorium, swim- ming pool; negroes' use; authority of county board	1949	308
Noneducational purposes, use	1947	622
Nurse; payment of not authorized	1937	26
Poll tax paid into cannot be re- funded	1917	411
Poor children cannot be fed from	1931	849
Private sale of bonds	1945	778
Proceeds; distribution of	1929	359
Public free schools; can be used for maintenance of only	1931	611
Rebuilding school house, may be used for	1931	543
Refunding bonds; payment of fees by board of education	1941	302
Relatives employed by board member; nepotism	1949	160
Religious denomination, taken in aid of	1913	71
Rentals received from purchase of certain lands by trustees of in- ternal improvement fund; cer- tain percentage for	1955	446
Reverting	1921	286
School officers only can be paid from	1931	614
Service charge, payment to banks on accounts	1937	207
Special tax school district		
Expenditure for band uniforms not authorized	1939	205
Use restricted	1933	403
Statement, content	1905	142
Summer schools for teachers, board may use for maintenance and operation	1931	539

Subject	Year	Page
SCHOOLS (cont.)		
School funds (cont.)		
Superintendent public instruction, salary paid from	1913	209
Supplementation by borrowed money	1917	412
Surplus; transfer	1947	368
Tax assessor and collector, fees not paid from	1913	178
	1915	235
Tax collector		
Fees not paid from	1917	451
Relief from responsibility	1925	165
Teachers' salaries, county to receive no more than amount budgeted for	1939	182
Transfer		
Board, by; not advisable	1937	213
Fine and forfeiture fund to school fund	1909	49
One district to another; board without authority by reason of attendance	1939	177
Teachers' salary fund, from; not authorized	1937	178
Temporary transfer of other funds authorized	1937	205
Trustees, use	1923	227
Uniforms for band, purchase	1947	291
Units of distribution by state, counties rather than districts	1937	203
Use throughout county	1935	460
Welfare, city and county; use	1945	421
School lands		
Conveyance		
Under contract; taxation	1947	205
Use as community center	1949	433
Fire control service; board of education liability	1943	241
Insurance	1949	301
Mutual fire insurance company	1951	662
Municipal special assessments, not allowed	1951	431
Purchase by county boards of public instruction	1941	306
Section 1085 refers to land but this is not to prohibit purchase of land and buildings thereon	1939	150
Taxes		
Drainage	1921	199
Not subject to	1937	209
South Florida conservancy district; liability	1939	298
Exemption	1923	123
	1929	384
	1931	937
	1943	195
College fraternity houses	1943	195
Unused; disposal	1951	399
School officials		
Bonds		
Filed with board county commissioners	1939	193
Section 1089 of school code, retrospective or prospective	1939	147
School plant		
Personal property, method for disposal	1955	336
School property, disposal; procedure	1955	267
School site	1919	289

Subject	Year	Page
SCHOOLS (cont.)		
School site (cont.)		
Long-time lease, county school board authorized to obtain	1939	193
Purchase; use of minimum foundation funds, authorized	1951	403
School survey commission, now functus officio	1931	598
School trustees See: Trustees of school districts, this heading		
School trustees' election See: ELECTIONS		
School year, what constitutes	1937	210
Science club; rocket project, permits; procedure	1957	539
Secondary instructional units; computation	1941	288
Secret societies; Odd Fellows junior order, exemption	1951	427
Separation of races	1925	233
	1937	211
Sidewalks		
Construction adjacent to school property		
County roads, on; authority of county commissioners	1955	364
Expenditure of county funds	1957	39
Slot machines, operation distance	1935	736
Sorority formation; prohibition by Florida law	1949	328
Special tax districts See: School districts, this heading		
Special tax millage; school building; floating bond issue	1949	315
Stadium		
Bonds; validity	1947	308
Cooperative construction; school lands; agreement for rent	1949	290
Staff		
Nomination by trustees when original nominee resigns	1939	187
Qualifications; county boards of public instruction authorized to prescribe	1939	201
State board of education		
Agricultural college fund, disposition of excess interest	1941	322
Board of control revenue certificates; purchase	1945	373
Board of public instruction tax anticipation notes, purchase	1941	241
Bond construction fund, loan to general operating fund	1941	303
Bonds; private sale	1945	778
Certain powers not vested in	1929	255
Certification of school employees; proposed regulations; effect	1945	398
Deed of certain trustees to	1905	86
District trustees, removal; procedure	1945	373
Extra help; authority to pay	1917	345
Faculty, authority to select	1909	41
Federal funds; acceptance; rules and regulations; adoption; legality	1947	353
Fire control service; school lands; protection, payment	1943	241
Hotel employees, use of unexpended appropriation for vocational training	1947	475
Instruction units, computation	1941	286
		288

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
State board of education (cont.)		
Instruction units, computation (cont.)		
Section 1004, school code	1939	148
Investigation by; board of control member, payment of expenses	1945	95
Lands		
Public; lease for development of mineral and petroleum interests; authority	1943	299
Railroad, acquiring right of way	1945	506
Sold in error; refund of purchase price	1945	362
Levy for funds by county budget commission and county board of public instruction subject to review	1933	147
Lewis scholarship, rules, eligibility of alien	1945	429
Marianna army airfield; procedure for acquisition	1947	365
Parent-teachers' association funds lunch program, accounting	1947	305
Personnel rules and regulations; health certificate requirement	1955	473
Property		
Conveyance as directed by	1905	86
Held in trust for cooperative living organization; exemption	1947	190
Refunding		
Bonds		
Acceptance in lieu of bonds now owned by state school fund; city of Pensacola	1933	460
Payment of fee	1943	241
Indebtedness; notes	1943	269
Issue, in lieu of original bond issue, acceptance	1933	161
Operations; participation	1935	522
Plan authorized; city of Palmetto	1939	297
Retirement system; reinstated members	1943	278
Section 3, article XII, state constitution; construction	1929	255
State superintendent; agreements on behalf of board; authority	1943	242
Teachers		
Certificates		
Citizenship prerequisite	1941	267
Revocation	1941	275
		276
Revoked, right to restore	1937	176
Employment of, rights and powers with reference to	1927	216
Transfer of amounts budgeted, county board may be authorized by	1937	39
State superintendent of public instruction		
Agreements on behalf of board; authority	1943	242
County budget, approval	1941	308
Employees; payment of salaries under §660, C. G. L.	1935	451
Everglades national park commissioner, eligibility for appointment	1945	778
Examination grades, recording; bill for	1923	110

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
State superintendent of public instruction (cont.)		
School board		
Budget amendment; approval	1951	408
Motor vehicles, when exempt from license tax	1931	350
Responsible expenditure school funds	1931	350
Teachers		
Examinations, detection of fraud; authority to pay expense	1917	269
Warrants, assignment	1941	289
Street improvement liens; liability of special tax school district	1937	190
Summer schools		
Maintaining and operating, power of board to use school funds	1931	539
Pupils; tuition	1947	282
State superintendent of public instruction; under direction of	1905	186
Supplementation for attendance	1947	347
Training; expenses, payment	1905	94
Supervisors of registration, duties	1951	405
Compensation; re school district election	1939	185
Suspension of pupil	1923	243
Taxes See: TAXATION		
Teachers		
Absence without leave; vacation allowance; basis for computing salary	1947	326
Accumulated sick leave		
Payment	1943	258
Provided in §§540(1), 541(1), school code	1939	168
Act authorizing graduate's certificates not retroactive	1917	338
Aged teachers' certificates; validity under §385, G. S.	1913	113
Agricultural teacher; candidacy for public office; eligibility; salary payment	1955	574
Amount set apart for payment of salaries not transferable	1931	607
Appointment	1931	643
	1939	169
	1941	259
Recommendations	1945	386
Change of by trustees		
Board of control; employment and salaries	1955	133
Bona fide residents of Florida for two years next prior to time of employment to be eligible, requirement	1933	402
Certificates	1904	55
	1919	227
Aged teachers entitled to, under §385, G. S.	1913	113
Citizenship prerequisites	1941	266
		267
College graduates; acquiring by	1915	180
Extension of time	1904	66
Graduates may procure, when granted upon presentation of diploma issued after passage of chapter 6540, acts 1913	1913	112
Issuance; requirement	1904	44
Persons under 20 years of age, issuance	1941	271
Requirement	1925	398
		399

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
Teachers (cont.)		
Certificates (cont.)		
Revocation		
Board of education	1941	275
		276
Form of notice; hearing	1943	258
Right of state board of education to restore	1937	176
Students graduating subsequent to the passage of chapter 6838, laws of 1915; eligibility	1915	181
Certificates of indebtedness, or interest bearing notes, payment, for past due salaries, unauthorized	1933	401
Classrooms, principals, supervisors, etc., continuing contracts; probationary years, requirement	1957	221
Compensation See: Salaries, this heading		
Contracts		
Continuing		
Benefits, for teachers holding certain certificates; eligibility	1957	904
Classroom teacher served as superintendent; issuance	1959	367
Classroom teachers, principals, supervisors, etc.; probationary years, requirement	1957	221
Compensation	1953	326
Issuance	1941	250
		251
	1959	575
Leave of absence	1957	1
Salary status, etc.; retirement and subsequent reinstatement; prior rights	1959	742
Status; public schools	1949	302
	1953	326
Validity	1951	390
County school board requirements	1949	303
Directly with	1913	116
State board without authority to prescribe regulations under minimum foundation program	1949	312
Supplementary; proposals; salary increase; validity	1951	402
Conviction of felony; parole; entitled retirement pay	1949	318
Corporal punishment of pupil	1937	169
	1957	7
County to receive no more from apportionment of state money than it has budgeted for salaries	1939	182
Deceased; accumulated leave and vacation pay	1949	324
Demonstration school; exchange of teacher with Great Britain; salary payment	1955	382
Discharge under tenure act	1941	267
Dismissal; hearings by county board of public instruction; administration of oaths, etc.; authority	1957	70
Due bills; issuance and use	1931	748
		847

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
Teachers (cont.)		
Duty; sick children; damage to car; county board liable	1949	305
Election as member county school board, contract should be carried out	1927	220
Elementary schools, instruction units, computation	1941	286
Eligibility of in state	1933	402
Employment		
Emergency; procedure	1945	378
Over seventy years old, when	1943	275
		276
Recommendation of principal upon; whether binding upon superintendent	1959	315
Rights and powers of county board of public instruction with reference to	1927	216
Tenure act, Hillsborough county	1941	269
Wife; husband lives out of state, claims Florida as residence	1933	398
Examinations		
Constitution on, may be taken on other than dates specified	1927	218
Special	1907	162
White and colored in same room	1917	121
Exchange		
Professional leave of absence; supplemental compensation	1945	400
		402
Salary	1945	402
Florida council for the blind; Bethune-Cookman college; white teachers; blind negro students	1949	307
Graduate certificates	1917	122
Group insurance		
Participation by county; legality	1959	438
Premiums; deduction; authority	1939	24
Health certificate requirements	1955	473
State board of health rules	1931	610
High school; trustees special tax district without authority to nominate	1937	169
Interest on past due salaries, county not liable for	1933	401
Jewish; personal leave of absence for religious holidays	1939	203
Kindergarten, principal; certificate requirement	1905	60
		84
Leave of absence		
Compensation	1941	272
While on active duty as reserve officer	1947	129
Compulsory training course, entitled to pay during	1939	215
Continuing contract rights	1957	1
Professional improvements; basis of salary payment	1947	314
Life graduate certificates; compulsory retirement	1951	414
Life special teaching certificate in rank III or higher; continuing contract benefits; eligibility	1957	904

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
Teachers (cont.)		
Living quarters; power of board of public instruction to construct	1945	391
Loans to pay salaries	1937	172
Lunchroom program	1943	253
Married women not prohibited from teaching	1933	402
Military		
Leave of absence	1941	99
		273
Service; retirement; membership service credit	1949	317
Moneys appropriated by state used to pay prior salaries	1931	952
Monthly reports to secretary of board; legality of order	1905	75
Nepotism act	1933	575
Nomination by trustees	1935	425
Appointment	1931	462
	1937	173
		174
Rejection by board	1933	410
Authority	1925	76
Must act in good faith	1931	611
Only for cause	1939	197
Nonresident; necessity of motor vehicle license	1947	391
Out-of-state service credit; retirement system	1949	317
Pensions; ineligible for if they have property or income	1933	397
Principals; military leaves of absence; salary	1943	171
Prior service credit, eligibility under retirement system	1939	204
Professional leave of absence; basis of salary payment	1947	314
Protective union; members, exemption; certain taxes	1949	547
Public schools; instructional staff; status; continuing contracts	1949	302
Qualifications	1927	303
County board authorized to prescribe	1939	201
	1941	274
County board not authorized to prescribe	1937	170
Residential	1937	175
Race track funds to pay salaries and bus transportation	1937	175
Reappointment, recommendation	1941	255
Rejection solely on grounds of county residence; without authority	1933	411
Release; reinstatement; requirements	1949	299
Retirement		
See also: RETIREMENT SYSTEMS		
Age 65; county school board	1949	303
		318
Annuity savings fund, investment in United States savings bonds	1941	315
Beneficiary; widow's pension	1943	271
Benefits under law	1939	195
Board of trustees, suspension and reinstatement of retirement	1941	316
Canadian teaching; prior service credit	1949	318

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
Teachers (cont.)		
Retirement (cont.)		
Candidate for county board member	1943	283
Contributions begun December 1, 1939	1939	199
Death benefits, payment, procedure	1941	313
"Earnable compensation," definition	1941	317
Election of system; eligibility	1945	215
Employment when over seventy	1943	275
		276
First benefit check, date	1953	332
Funds		
Deposit in federal savings and loan associations	1941	314
Investment	1939	176
Purchase of F. H. A. mortgages for investment	1941	315
Membership		
Eligibility	1943	273
		279
	1947	330
Examinations by medical board; fees	1943	276
Nonresident; contribution; disbursement	1943	274
Requirements	1941	318
		319
Teachers, definition; unemployment period	1941	321
University of Florida staff	1943	277
Military service		
Contributions	1943	273
Credit	1949	317
		318
Minimum allowances; statutory provision	1949	316
Pensions	1935	425
	1943	275
Applicability of law	1937	177
		465
Conviction for felonies not grounds for denying	1949	318
Former teacher; fund from which payable	1947	628
Increase; Francis N. Clayton, Hattie Mayo	1949	301
Prior service credit	1943	280
Eligibility	1939	204
Private institutions, out-of-state	1949	317
Teaching in foreign country	1943	282
	1949	318
Reinstated members	1943	278
Service credit		
County superintendent	1943	280
		281
Employment by county government	1949	319
Substitute teacher	1943	281
Retroactive leaves of absence; retirement, credit granted	1951	412
Revoked certificates; authority to restore	1937	176
Salaries	1919	312
	1953	329
Absence	1937	171
Back pay; July and August salaries	1947	325

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
Teachers (cont.)		
Salaries (cont.)		
Budgeted cash reserve fund, payment	1947	324
Certificates in payment, board without authority to issue	1931	847
Construction of law	1931	350
Definition; when payable to beneficiaries	1937	465
Discretion, county board of public instruction as to payment	1929	257
Exchanged teacher on leave of absence	1945	402
Increase	1935	426
Source of payment	1945	438
Leave of absence	1941	272
Over seventy years old	1943	275
Past due		
Board not authorized to pay interest	1931	541
State not authorized to pay interest	1931	866
Payment from funds accruing during school year but received by county after close of school year	1933	397
Quarantine, during; sick leave	1945	400
Reduction; construction of law	1931	350
Retirement; average final compensation	1949	319
Salary schedule		
Substitute teachers	1959	575
Teaching service, etc.	1959	558
Trustees without authority to fix	1931	603
Vacation allowance; absence without leave	1947	326
Warrants, assignment	1941	289
Salary fund		
County officers' and employees' retirement fund, payment to	1945	424
County to receive no more from than is budgeted for teachers' salaries	1939	182
Deposits, sources other than state allocation and authorized loans, acceptance by state treasurer	1941	294
Disposition of balance	1937	171
	1947	324
Close of school year	1937	171
Group insurance		
Bus drivers	1943	161
Payment of premiums	1941	297
Helping teachers, payment of portion of salary	1937	177
Interest account, expenditure	1941	295
Investment in school district bonds	1947	327
Loans		
Deferment of payment	1941	297
Repayment		
Pasco county board, to	1943	437
Payment of salaries due for previous years	1939	198
Out-of-state; payment of amounts due	1937	168
St. Lucie county teachers, use for payment	1937	168

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
Teachers (cont.)		
Salary fund (cont.)		
School code, construction	1939	198
Transfer		
Not authorized	1937	178
		179
Transportation portion to instructional salary portion	1941	298
		299
Unexpended balance	1943	264
Warrants		
Drawn to county retirement fund	1945	424
Form	1945	421
Payees and endorsements	1941	300
Restoration of funds when unlawfully drawn	1941	295
Signature by rubber stamp	1941	301
Workmen's compensation insurance, payment of premium	1941	301
Scholarships		
Eligibility	1953	334
House and senate; institutions of higher learning	1949	320
Representative and senatorial; legal obligations	1949	322
Requirements of holders attending institutions of higher learning	1957	491
Secondary schools, instructional units, computation	1941	288
Selection		
District trustees, by	1935	432
Schools within special tax school districts	1913	247
Service in armed forces; entitled retirement credit	1949	318
Sick leave	1947	312
		313
Computation	1941	277
		279
Illness of relative; salary during period beyond authorized leave	1947	313
Pay	1931	859
Absence on account sickness or death, entitled to full	1931	532
Construction of law	1929	354
Sickness contracted in school room	1937	176
School code; entitled to under	1939	168
		171
Special examination	1907	162
Staff; nomination for appointment; constitutional authority; trustees	1949	293
Substitute and temporary		
Employment by board without nominations by trustees; authority	1939	200
Salary, contracts, etc., rules pertaining to	1959	575
Summer school expense, defrayment by county board of public instruction	1941	245
Summer training schools; expenses, payment	1905	94
Teachers' institute, report on days consumed in attending	1913	109
Teachers' unit law does not limit funds to payment of salaries	1931	775

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
Teachers (cont.)		
Teaching staff; recommendation for employment; trustees' duties	1951	368
Tenure act		
School code, effect	1941	249
Submission to electors	1945	175
Volusia county; discharge	1941	267
Training department, high schools; authority to employ teachers	1915	185
Transfers		
School board, authority	1953	321
Trustees' consent	1941	279
Trustees, eligibility	1945	382
Unit law; funds provided, not limited to payment of teachers' salaries	1931	775
University teaching staff; compensation from board engineering examiners	1949	324
Vacancies may be filled in absence of nominations from trustees	1939	183 187
Vocational education programs, designation of institutions other than specified by law; legality	1951	415
Volusia county tenure act, discharge	1941	267
Whites not to be employed to teach negroes	1931	370
Workmen's compensation insurance	1947	281
Teaching staff; nomination for appointment; constitutional power vested in trustees	1949	293
Temporary university buildings; contract for construction	1945	436
Textbooks		
Adoption for use of pupils	1943	261
Appropriation	1935	404
Bids, requirements	1941	8
Classification as public documents	1947	373
Contracts	1919	228
Bidders not required to qualify under law	1931	350
Publishers, with	1925	225
Purchase by state; price	1945	407
Copyrighted, royalties from; education department publication; general revenue	1951	435
Course of study prepared could be classified as	1937	204
Free		
Bills contracted during 1937-39; payment authorized	1939	14
Veterans; appropriation	1945	468
Fund		
Cost of preparing and printing courses of study bulletins payable from	1939	188
Sources of revenue; expenditure	1945	410
Law relating to	1925	335
Lost or damaged, collections for; disposition	1951	391
Purchasing council act; within exceptions provided	1955	70
Rating committee; duties	1937	212
Sale		
Member of school board, by; unlawful	1933	426

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
Textbooks (cont.)		
Sale (cont.)		
Price authorized includes transportation	1913	107
Rebound copies of adopted series; prohibited	1913	117
Trustee of district, by; unlawful	1913	122
Senate committee investigation; expense	1933	636
State-owned		
Deposit from pupils required as security; legality	1945	391
Use in nonpublic schools	1943	261
State purchasing board	1947	373
Cancellation of contract; procedure	1947	317
Continuation of contract cancelled in anticipation of new adoption	1947	317
Superintendent of public instruction; audit by request of P. T. A.	1951	379
Supplementary, when unlawful	1917	339
Torts; immunity of county boards	1947	304 305
Traffic officer for protection of pupils; employment	1947 1951	311 396
Traffic violations by students; disciplinary action by principal, authority	1957	468
Transportation See: Buses, this heading		
Treatment of pupils; authority of teacher	1957	7
Trustees of school districts		
Abolition		
Constitutional amendment, construction	1955	945
Majority vote of electors; construed	1957	111
Appointment		
Procedure	1941	259
Removal	1937	196
Revocation; reappointment; school principals	1949	304
Vacancies, filling	1937	181
Architect on district school project, employment as	1939	23
Attendance areas; determination	1945	395
Attorney's fees, payment for services	1937	191
Audit of accounts authorized	1937	182
Authority	1913	210
Bus driver, employment as, prohibited	1949	305
Candidate; residence districts	1949	103
Children attending school in another district when attendance authorized by board, not to be prevented	1939	163
Consolidation; deconsolidation; powers and responsibilities	1949	298
Construction work, school board without authority to hire for	1949	293
County boards of public instruction; election to; effect upon tenure	1945	404
County school system, abolition of school trustees; constitutional amendment, construction	1955	945
Debt, contract without approval of school board; authority	1915	297

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
Trustees of school districts (cont.)		
Deputy sheriff; eligibility to hold office	1947	623
Disqualification	1931	595
District budget; preparation; authority	1949	316
Duties	1931	546
	1949	298
Elections		
Candidates		
Filing date	1955	342
Listing of	1947	295
Names on ballots; voting procedure	1955	376
Requirements; must be qualified elector	1931	602
Tie vote; effect	1931	597
	1939	206
	1945	412
	1947	298
Withdrawal allowed	1949	103
Electors; qualifications	1945	393
	1947	293
Notice; advertising by board	1947	299
Order of names on ballot	1947	295
Procedure	1943	259
	1947	296
Registration books		
Charlotte county, closing time	1951	113
Pinellas county, closing time	1949	307
Registration of electors	1947	116
		292
Supervisor of registration; duties and compensation	1949	95
		96
Time	1947	303
Eligibility		
County commissioner	1931	1022
Women	1917	439
Employees; nomination, powers	1945	383
High school trustees, right of	1925	76
Insurance agent, acting as; district property	1945	381
Legal counsel, employment	1941	261
Local school district; county board; appointment of successor	1943	260
Meeting of educational association, payment of expenses	1937	192
Money, right to borrow	1929	363
Nepotism law, application	1945	231
Nominations to county board		
Appointments; jurisdiction	1949	291
		292
		293
Instructional staff; right of board to reject	1925	76
Personnel for certain positions; authority	1959	248
School staff		
Original nominee resigns, when	1939	187
Recommendation as to employment; duties	1951	368
Rejection only for cause; authority	1939	197
Time limit for making	1939	183
		187
Teachers	1933	412
Powers	1937	173
Functions	1929	257

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SCHOOLS (cont.)		
Trustees of school districts (cont.)		
Powers (cont.)		
Responsibilities	1949	298
Use of school funds; employment of attorney	1949	290
Principal		
Nomination; time, effect	1945	377
Salary, authority to supplement	1945	379
Property transfer; county board public instruction	1949	309
Qualifications	1933	413
	1947	297
Selection of teachers	1935	432
Removal	1935	428
Neglect of duty; authority	1931	611
Procedure	1945	373
State board of education, by	1933	414
	1939	209
Residence qualifications	1941	262
		263
Resignations, appointment of successors	1943	260
Retirement; eligibility	1947	123
School attendance, between certain ages, without authority to prohibit	1923	140
School auditorium, not authorized to rent	1937	197
School funds, authority to recommend use	1923	227
School premises; use for other purposes	1945	397
Special tax districts		
Borrowing money, without authority	1929	363
Paying out money, without authority	1923	137
Powers	1905	197
Functions in relation to powers exercised by boards of public instruction	1929	257
Removal	1933	414
	1939	209
Resignation to be made to board of public instruction	1937	197
Right to contract with county school board	1927	222
School budget under supervision	1929	219
Supervising principal, employment as, based on recommendation	1939	214
State representatives; eligibility to hold office	1947	623
Supervision	1941	264
Buildings, grounds; use for other purposes	1943	243
Teachers		
Emergency procedure for nomination	1945	378
Employment as	1945	382
Powers	1937	173
Recommendations as to employment	1945	386
	1951	368
Tenure after formation of new district	1947	291
Transportation of pupils, illegal for trustees to make contract	1933	405

Subject	Year	Page
SCHOOLS (cont.)		
Trustees of school districts (cont.)		
Tuition, payment by pupils living outside of district	1929	394
	1939	177
Vacancies		
County board public instruction authorized to fill under certain conditions	1925	331
Method of filling	1935	428
	1953	323
Tuition	1931	715
High school pupils, when non-resident, may be required to pay	1927	299
Nonresidents, children of	1959	251
Out-of-state students	1947	281
		282
Parents of student bona fide residents of Florida; not authorized	1939	190
Payment by pupils living outside of district	1929	394
	1939	177
Public schools	1947	282
Summer school pupils	1947	282
Vocational schools	1959	251
Uniforms for school band; purchase with school funds, legality	1947	291
Unneeded school property; lease	1947	320
Utility services furnished by municipalities; tax exemption	1957	303
Vacancy; school board member; appointment by governor; term	1949	296
Vocational education		
Programs, designation of institutions other than specified by law; legality	1951	415
Public school funds may be used	1931	348
Vocational schools		
Beauty culture; teaching in deaf and blind school	1935	466
Massage school; license exemption	1947	469
Part time employment of pupils	1941	337
Room rent, meals; sales tax liability; jurisdiction of hotel commission	1951	381
State director, traveling expenses, method of payment	1919	167
		171
Tuition fees	1959	251
Vocational training; hotel employees; appropriation	1947	475
Voting machines, use in elections	1939	192
Warrants		
Compromise of interest due, endorsement of assigned	1941	237
Outstanding registered warrants; payment	1935	448
	1915	152
Payment by depository banks	1947	154
Printing seal on	1935	444
Signature	1935	444
Addressograph	1935	450
Time; issued by board of public instruction	1935	464
Workmen's compensation law		
Bus drivers	1947	448
Independent	1935	537
Scientific purposes, sale of alcohol; legality	1933	337
Seaboard air line railway, overpayment of personal property taxes	1939	519
SEAFOOD DEALERS		
Disabled war veterans; occupational tax	1939	453

Subject	Year	Page
SEAFOOD DEALERS (cont.)		
Foreign salt water crawfish, receiving and reshipping during closed season; legality	1953	441
Licenses	1941	501
		503
Additional	1943	338
Aliens; definition	1941	498
Crabs	1933	28
Shrimp	1917	309
Imposition by municipalities	1941	501
Net fishermen, own catch; retail, wholesale requirements	1949	410
Packaged goods; permit numbers; wholesale	1949	412
Requirements	1941	504
	1953	443
Shrimp	1931	391
Veterans; exemption	1941	499
		500
Wholesale and retail; liability	1937	580
Wholesale		
Licenses	1945	517
Canneries	1945	516
Selling from trucks	1945	516
Seal of Florida See: STATE SEAL		
SEALS		
Commissioner of deeds, form	1935	760
Information, when omitted; correction of defect	1927	327
Official; motor vehicle commissioner; authority to use	1945	482
Seaplane bases; establishment, operation upon navigable or non-navigable waters; rights of public; regulations	1957	621
SEARCHES AND SEIZURES		
See also: ALCOHOLIC BEVERAGES AND LIQUORS		
Alcoholic beverages; dry counties; disposition of whiskey seized	1955	389
Automobiles	1925	201
Beverage agents; common law right of citizens to arrest; procedure, etc.	1949	489
Beverage department		
Employees; authority to execute search warrants	1945	631
Issuance of warrant; cigarette tax law	1949	611
Beverage officer; dwelling; admissibility of evidence seized	1953	665
Beverage supervisors; arrests; raids; seizures and evidence; violations	1949	489
Boat or motor used in illegal fishing; seizure and forfeiture	1947	405
Clerk circuit court; fees for delinquent tax statements	1933	246
Committing magistrate in criminal actions; issuance of search warrants; fees	1959	587
Concealed weapons	1935	752
Forfeiture	1945	733
Confidence games, places of	1921	344
Conservation agents		
Power, duties, obligations, searching automobiles	1949	570
Search and seizure of automobiles without warrant, authority	1953	425
Constables		
Fees; appearance and bail bonds	1949	597
Searches without warrant; alcoholic beverages; licensed premises	1949	498
Territorial jurisdiction	1949	612
Construed	1923	250

Subject	Year	Page
SEARCHES AND SEIZURES (cont.)		
Contraband, moonshine whiskey;		
highway patrol, authority	1951	477
Day or night	1921	297
		388
Designation of car or house	1921	312
Distinction between warrant for and		
trial for violation of prohibition		
statutes	1921	300
Dwelling, entry into without war-		
rant; authority of sheriff	1953	679
		686
Evidence seized under authority of		
search warrant, admission	1957	230
Fishing nets	1943	336
Foods and drugs	1923	70
Gambling		
Automobile transporting bolita		
tickets	1949	586
Devices	1937	79
Houses, intoxicating liquors	1921	355
Game and fresh water fish commis-		
sion; disposition of seized prop-		
erty	1949	402
Game wardens, powers; search with-		
out search warrant	1947	405
Hotels, rooms	1921	398
Illicit beverages and equipment,		
destruction; sheriffs, authority	1955	97
Intoxicating liquors	1921	364
Law	1917	157
Warrants authorized	1923	257
Inventory receipt, late delivery;		
admissible as evidence	1953	711
Justices of peace; fees; appearance		
and bail bonds	1949	597
Juvenile court, judge; search war-		
rant, issuance; Duval county	1955	957
Legality, when	1931	949
Licenses under beverage act; search		
of premises without warrant	1945	632
Motor vehicles; illegal liquor;		
searches without search warrant;		
sheriffs, police officers	1949	610
Mullet		
Disposition	1943	337
Proceeds from sale, disposition	1945	517
Municipal police officers		
Arrest without warrant	1951	782
County search warrant, service	1951	782
Search without search warrants,		
powers	1951	782
Narcotic drug law, violation, sei-		
zure of automobile	1955	16
Police officer		
Authority to make	1925	382
Private residence, permission;		
legality	1953	714
Search and seizure after arrest;		
legality	1953	686
Posted property; conservation of-		
ficer, authority	1951	504
Prosecuting attorney, duties; draft-		
ing	1951	235
Search warrants	1923	250
Beverage department supervisor,		
service by; authority	1937	238
	1953	559
Constables, service by, outside		
own district	1947	605
Duplicates; requirements	1927	383
Elimination by sheriffs; when		
lawful	1925	319

Subject	Year	Page
SEARCHES AND SEIZURES (cont.)		
Search warrants (cont.)		
Intoxicating liquors, require-		
ments	1937	225
Issuance		
Procedure; fees	1945	751
Specific purpose	1931	635
Judge of court of crimes; is-		
suance; authority	1951	782
Justices of peace authorized to		
issue	1923	231
Mayor of city, issuance	1927	440
	1931	838
	1947	604
Municipal officers, service	1947	604
Issuance by foreign state	1951	764
Sheriff entitled to fee, when	1931	783
Stillts accidentally found	1921	302
Sunday, service on; validity	1929	385
	1931	820
	1953	49
Sheriffs		
Authority to make	1925	382
Duties	1937	79
Fees, when allowed	1923	216
Slot machines	1935	738
Seizure; return on nolle prosequi	1949	265
Sponges; disposition by court order;		
Taylor county	1949	407
Sundays	1921	384
Suppression of evidence, admissi-		
bility in criminal cases; seized		
contraband, introduction	1955	31
Tax collector, by, for intangible		
personal property tax	1935	37
		38
Wildlife officers, search of person		
or vehicle within wildlife manage-		
ment area as routine matter; au-		
thority	1957	596
Seat covers; manufacture, no law		
covering	1949	470
Sebastian Inlet district; board of com-		
missioners; power to borrow money		
and issue tax anticipation certifi-		
cates	1947	150
Second offender See: CRIMINAL		
PROCEDURE		
Second provision funds; allocation	1941	141
Secondary sales; securities See:		
SECURITIES		
Secondhand car dealers See: MOTOR		
VEHICLES		
Secret societies; Odd Fellows junior		
order, student membership	1951	427
SECRETARY OF STATE		
Certificates of registration; Broward		
county; liability of state for cost	1947	70
Charter, filing; attorney general,		
policy regarding opinions of pre-		
decessors	1927	151
Civil service board, fees	1943	162
Commissions		
Issuances, oath, tax, etc.	1947	127
Issued by mistake, cancellation	1947	132
Preparation; ministerial duties	1945	96
Probation officer; Duval county;		
issuance	1945	136
Construction contracts; wage rate;		
determination	1955	79
Cooperative associations		
Assessment of fees and taxes	1951	641

Subject	Year	Page
SECRETARY OF STATE (cont.)		
Cooperative associations (cont.)		
Transaction of business under chapter 7384, acts of 1917; authorization	1931	235
Corporations		
Ad valorem tax, when exempt from payment	1931	244
Amended certificate naming new agent must be filed	1927	159
Appointment of resident agents, compliance with house bill No. 776	1927	139
Certain affidavits required to be filed by corporations having par and no par value stock	1927	158
Certificate of incorporation required	1931	242
Certification as to good standing; authorized	1929	193
Change of capital stock, fees for filing certificate	1927	145
Chapter 14677 not in conflict with §4268, C. G. L.	1931	231
Charter		
Amendment, fees required for	1927	141
Tax required	1927	154
Corporation law		
Reincorporation; construction	1927	153
Requirements, certificate of incorporation	1927	160
Designation of another corporation as resident agent	1927	140
Dissolution of certain	1927	148
Filing certificate showing dissolution; date on which secretary of state receives and files affidavit of publication	1927	160
Filing fees	1927	137
	1931	242
Certain deductions allowed	1931	233
Determination of amount; no par stock	1947	528
Foreign		
Certain tax required	1927	155
Doing business in Florida, what constitutes	1927	142
Laws do not invalidate certain deeds	1927	152
Method of computing charter tax	1931	229
Nonregistered; acceptance of process	1957	715
Prerequisite for cessation of business in Florida	1927	138
Invalid certificate of incorporation; power to cancel	1945	582
Investigations; no par value; valuation	1949	512
Merger agreements; sufficiency	1947	527
Principal place of business shall be in state	1927	135
Qualification under securities act, permit necessary to transact business	1933	551
Re-establishment of suspended privileges and charter rights; all taxes due must be paid	1931	243
Reincorporation		
Acknowledgment of certificate	1927	159
Another state, in; credit given for certain fees	1927	149

Subject	Year	Page
SECRETARY OF STATE (cont.)		
Corporations (cont.)		
Reincorporation (cont.)		
Articles of should show post office address of each stockholder	1927	136
Certain affix or prefix, should carry	1927	135
Stockholders, authorization	1945	661
Resident agent act		
Certain penalty	1927	143
Dissolution, interpretation	1927	145
Name and address of all officers required	1927	154
State attorney should enforce certain provisions	1927	140
Section 11 of chapter 14677 refers to fees to be paid	1931	234
Separate corporate entity, when each required to pay filing fees	1931	233
Taxation		
Holding companies required to pay	1931	240
Refusal to refund payment, within rights	1931	770
Two separate names not authorized	1931	232
Wording of charter does not prohibit filing	1931	247
Declaration of trust; issuance of certificate	1945	612
Documentary stamps; administrative officer not authorized to refuse to file document because stamps omitted	1931	234
Elections See: ELECTIONS		
Florida statutes, 1949, free distribution and sale	1949	28
Judge civil court of record may be appointed	1927	151
Limited partnerships See: LIMITED PARTNERSHIPS		
National banks; limited permit to do business in state, authorization	1931	229
Nominees, names may be embraced in one certificate	1927	158
Nonresidents		
Acceptance of service upon, by secretary of state	1959	232
Operator of motor vehicle, service of process	1935	775
		776
Notaries, age required	1927	147
Official war ballots; duties; preparation	1941	79
Receipt of incoming treasurer; form	1943	104
Registration books, duty to cause to be printed	1937	138
Return of commission tax; cancellation, county officer's bond	1943	162
Senate bill No. 852; construction	1931	357
Taxes; state officials not authorized to accept payment under protest	1931	236
Trade names, registered, use by unrelated group as corporate name; prohibited	1959	68
Travelers insurance company, right to do business revoked until law complied with	1927	156
SECURITIES		
Aircraft corporation; exemption from securities law	1947	481

Subject	Year	Page
SECURITIES (cont.)		
Appearance bonds		
Approval		
Acceptance by constable	1935	276
Estreature	1929	300
Fees not authorized to prosecuting attorney	1935	221
Recourse of sureties after	1917	149
Axe Houghton Stock Fund, Inc. ;		
Axe insured investment plan, validity	1955	680
Banks		
Dealing in securities as defined therein, should qualify	1933	596
Deposits of state funds; pledged securities	1955	695
Registration as dealers, when not required	1931	981
Blanket assumption of all legal liabilities of defunct company by solvent company is sufficient compliance with law	1933	483
Bonds issued by out-of-state public housing authorities; taxability	1957	141
Brokers required to make return for intangible property tax	1939	471
Capital stock held in escrow by securities commission; certificates; taxability	1953	531
Central conditioning corporation; purchases; qualification with; Florida securities commission	1949	521
Certificates of indebtedness and fuel tax anticipation certificates, eligible as collateral security for deposits	1955	350
Certificates of interest; contracts offered to public; profit sharing venture	1949	477
Collateral; documentary stamp tax, application of law	1931	953
Comptroller may require additional	1927	176
Construction of law	1931	1053
Cooperative association organized as corporation for profit, membership certificates; status	1959	138
Cooperative syndicate agreements; Southeastern investment company; subject to regulations	1957	527
Corporations		
Combination purchase, lease and resale contracts; subject to regulation	1953	532
Foreign		
Qualifying	1935	614
Registration as dealers	1945	615
Sale of stock; registration	1945	611
Preorganization stock subscriptions; registration unnecessary	1951	608
Sale to nonresidents; registration	1953	529
Stock issued in connection with bankruptcy reorganization; exemption	1955	678
County bonds		
Custody of state treasurer; duties	1945	98
Eligibility	1953	580
County depositories, required of	1929	324
County funds and school funds; housing authority bonds as security for deposits of; eligibility	1957	144
County revenue certificate funds deposited	1959	668
Dealers		
Bond; continuation certificates	1947	485

Subject	Year	Page
SECURITIES (cont.)		
Dealers (cont.)		
Qualification	1931	773
		774
		777
Withdrawal of deposit to qualify as	1939	382
Declaration of trust		
Definition under securities law	1945	622
Sale of units; regulation	1945	612
Definition	1957	753
Effect of supreme court decision	1943	430
Deposited in escrow; withdrawal to reduce impairment of capital stock	1939	383
Deposits with insurance commissioner; release	1947	554
Excess	1945	691
		692
Requirements	1949	549
Diving bell shares; application of securities law	1947	476
Domestic airlines; issuance; exemption	1953	659
Domestic insurance company, eligibility of Jacksonville expressway authority bonds for investment	1957	81
Exemptions	1935	620
	1947	481
Housing authority bonds	1949	479
Isolated sale	1945	621
Maturity of promissory notes	1937	381
Proof required, when	1939	379
Public service utilities	1945	621
Reconstruction and development; international bank	1949	479
Registration; securities listed on recognized stock exchange	1947	480
Subscription rights listed on stock exchange, when; status	1957	783
Transactions	1935	611
Construction	1955	827
Elements	1945	621
Uniform sales of securities; transactions	1937	382
Federal national mortgage association, issued by; exemption	1953	525
Fees		
Paid when application filed, not returnable	1931	302
Refund		
Authorization	1937	375
Formal application not filed, when; legality	1933	590
Wrongfully paid securities commission; procedure	1947	276
Registration of securities; allowance on credit	1939	381
First Investors Corporation, group life insurance in connection with; validity	1955	752
For public deposits		
Banks	1935	285
School depositories	1935	461
Fraternal benefit societies, conversion; stock insurance company; registration exemptions	1951	604
Full commission, payment of; authorized in certain cases	1939	383
Funds	1943	103
Guaranteed short term mortgages; securities under Blue Sky law; application of securities law	1957	382
Housing authority bonds, eligibility to secure state deposits	1953	14

Subject	Year	Page
SECURITIES (cont.)		
Insurance policies as securities; use of corporate stock to purchase real property without registering name	1955	211
Insurer exempt from registration under securities act not required to qualify as dealer	1939	379
Intangible taxation; assessment	1945	325
Interest in profit sharing agreement	1935	612
		613
Investigation of assets of issuer's certificates required	1937	375
Investments in real property trusts as securities subject to regulations	1957	340
Investors		
Advisory institute; registration	1947	477
		481
Booklets, advising through; dealers	1945	613
Isolated sale, definition	1957	77
Land rental agreement, net profits constitute security	1939	380
Lawyers title guarantee fund; deposit of United States bonds	1951	649
Limited partnership; certificates of interest, sale	1955	498
Limited surety company; dissolution; release of deposit	1945	708
	1947	568
Loan evidenced by receipt granting interest in an agreement, transaction subject to act	1933	593
Maturity; extension	1943	481
Mineral contract or deed, registration	1935	615
Mineral interests, sale of; whether within purview of chapter 517, F. S.	1957	688
Mortgage notes, bonus agreements	1951	603
Municipal and stock exchange; dealers required to register and file bond	1931	794
Municipality, amount	1935	617
National bank, qualification as securities dealer	1933	594
Oil and gas		
Certificates of interest; definition	1947	479
Contract or deed, registration	1935	615
Mining lease, undivided interest, sale; registration	1951	607
Royalty, undivided interest constitutes security	1937	380
Titles; fractional certificates of interest; registration	1945	618
Whole interest in lease exempt	1933	592
Oil leases, not applicable when owner of, sells or assigns his entire rights in area covered or part thereof	1933	596
Over-the-counter sales; trade-ins; registration requirement	1957	138
Pennsylvania turnpike revenue bonds; as exempt, within purview of law	1953	526
Promissory notes, group; secured by first mortgages, successive filing	1957	91
Prospectus		
Discussion	1935	619
Distribution prior to registration of securities	1947	478
Public deposits	1935	285

Subject	Year	Page
SECURITIES (cont.)		
Public funds; securing deposits	1943	103
Public service utility; exemption from securities law	1945	621
Purchases of certain documents from dealers in personal property at a discount, etc.; not governed by	1957	283
Registration		
Announcement		
Prior registration by qualification	1947	483
Requirements	1947	484
Notification		
Application; sufficiency	1951	601
Corporation, showing net earnings; period	1945	620
Prerequisites	1945	616
		617
Promissory notes; requirements	1945	619
Requirements	1947	484
Qualification		
Additional registration by announcement	1947	483
Requirements	1947	484
Statutory amendment; effect of errors	1947	482
Resale, person purchasing large block of securities for purpose of, must qualify	1933	592
Safekeeping receipt		
Form acceptable to state treasurer	1945	100
	1947	15
		16
		17
Issuance by bank	1947	20
Sales		
Commissions and expenses	1945	620
Conditions under which investment companies may issue	1953	527
Contracts offered to public; certificates of indebtedness; profit sharing venture	1949	477
Dealers; agreement to apply out-of-state law	1949	477
Home county of the issuer, in; regulation	1957	146
Interim of temporary certificate under supervision	1933	591
Interpretation of statute	1931	325
Oil or mineral royalties under certain conditions not within operation of this act	1933	590
Reserved interest in gas or oil lease defined as an exempt transaction	1933	591
Secondary; outstanding for less than one year; registration requirement	1957	138
Securities registered by notification; regulation of commission permitted	1955	✓ 428
State of Israel; exemptions	1949	477
State treasurer; evasion of law	1943	431
Unregistered; nonexempt	1943	434
Salesmen		
Qualification	1931	773
		774
		777
Regulation of in multi-ownership plan	1935	621
Section 4(k), chapter 17253, acts of 1935; construction	1937	381

Subject	Year	Page
SECURITIES (cont.)		
Securities commission		
Additional persons connected with sale in exempt transactions, listing	1957	360
Advising investors through booklets; regulation as dealer	1945	613
Amount of bond and liability	1931	819
Annual reports, furnishing to state universities	1941	672
Bondholders' protective committee not required to qualify	1931	990
Bonds		
Requirements	1957	763
Retroactive; substitution in lieu of deposited securities	1941	681
Substitution	1943	431
Capital stock held in escrow by, certificates; taxability	1953	531
Celo Securities Co., stocks, bonds, securities and assignments of; application of law	1931	967
Construction of law	1931	790
Contracts to be eligible for sale must be registered	1939	380
Cooperative marketing corporations not affected by	1931	782
Corporations		
Application to qualify; amendment	1941	673
Exemptions	1941	674
Registration as dealer	1941	674
Dealers		
Bond; acceptance of continuation certificate	1947	485
Definition	1941	675
Deposit of securities to qualify as; withdrawal	1939	382
Exemption	1941	675
License, revocation	1941	678
Personal bonds; residence requirements	1941	676
Registration	1941	676
Surety bonds; cancellation; requirements	1957	763
Withdrawal of deposit of securities to qualify	1939	382
Declaration of trust		
Definition	1945	622
Regulation of sale of units	1945	612
Definitions	1943	432
Deposit in lieu of bond must remain with commission one year after depositor ceases business	1941	680
Diving bell shares; application of securities law	1947	476
Employees' bond; effect of defining employees as employees of state treasurer	1947	21
Escrow agreements for required sales	1941	669
Exemptions		
Character of corporation	1947	481
Proof requirement	1939	379
Public service utility	1945	621
Registration; securities listed on recognized stock exchange	1947	480
Transactions; elements	1945	621
Fees		
Allowance on credit	1939	381
Paid when application filed, not returnable	1931	302

Subject	Year	Page
SECURITIES (cont.)		
Securities commission (cont.)		
Foreign corporations		
Registration as dealers	1945	615
Sale of stock; registration	1945	611
Insurer exempt from registration not required to qualify as dealer	1939	379
Interest in oil, etc., certificates; title; jurisdiction over sale	1947	479
Investor's advisory institute; registration	1947	477
Land rental agreement providing for management and division of net profits constitutes security	1939	380
Oil and gas		
Leases; jurisdiction over sale	1947	479
Titles; fractional certificates of interest; registration	1945	618
Payment of full commission authorized in certain transaction	1939	383
Permit		
Certain cases, not necessary	1931	851
Company not required to procure, when	1931	849
Prerequisite to granting certificate of qualification	1937	375
Prospectus; distribution prior to registration of securities	1947	478
Public utility corporations		
Exemptions	1941	681
Registration and sale of securities	1941	682
Receipt, lost; issuance of duplicate by state treasurer	1941	13
Refund of wrongfully paid fees; procedure	1947	276
Registration by announcement		
Prior registration by qualification	1947	483
Registration by notification		
Additional registration by announcement	1947	483
Prerequisites	1945	616
Promissory notes; requirements	1945	619
Showing net earnings; period	1945	620
Statutory amendment; effect of errors	1947	484
Release while suits pending	1941	670
Reports, records, etc.; copies, furnishing; public inspection	1949	476
Sales		
Exemptions construed	1941	683
Federal; military reservations, within; regulation	1953	523
Fixing commissions and expenses	1945	620
Stock, under exemption notice; cancellation of claim for exemption	1941	670
Securities held in escrow	1931	843
Withdrawal to reduce impairment of capital stock	1939	383
Special examiners, appointment	1941	672
Statutory fees not required to be returned	1937	375
Stock deposited in escrow; withdrawal	1945	618
Traveling expense account	1935	620
Uniform sale transaction constitutes sale of security	1939	381

Subject	Year	Page
SECURITIES (cont.)		
Securities commission (cont.)		
Warehouse receipts not securities	1937	374
Sinking fund collateral trust bonds; exemption	1951	606
State deposits		
Bank deposits; pledged to state treasurer	1953	337
County bonds issued pursuant to \$135. 01, F. S. ; not acceptable as security	1957	516
Fuel tax anticipation certificates, interest bearing	1953	11
Pledge	1953	12
Securing; substitution	1945	97
State-guaranteed parkway bonds (series A) of New Jersey highway authority; eligible as security	1953	13
State funds		
Deposited in banks; revenue certificates as security	1947	629
State treasurer	1943	100
State owned, deposited with federal reserve bank; insurance coverage	1947	19
State treasurer		
Held by; construction of statute	1931	325
Method of handling	1929	207
Stock		
Isolated sale; exemption under securities law	1945	621
Issued by Florida corporation to be sold in another state, qualification	1955	659
Regulation of in multi-ownership plan	1935	621
Stock certificates in cooperative association organized as corporation for profit, status	1959	138
Stock exchange; dealer required to register and file bond	1931	794
Stockholders of issuing corporation, exchange of securities	1957	66
Substitution of securities deposited with commission; authority of dealer to withdraw	1955	841
Tax collecting agency should qualify when buying and selling bonds though only for payment of taxes	1933	593
Texas turnpike company's toll road revenue bonds, sale; exemption	1955	45
Transferable subscription rights, exemption status when listed on stock exchange	1957	783
Trust companies should be required to deposit	1927	178
Trust securities		
Disposition		
Certain cases	1931	318
Company becomes insolvent, when	1931	321
Undivided interest in gas and oil royalty constitute	1937	380
Uniform sale not exempt transaction	1937	382
Unlimited partners, solicitation of; application of law	1957	753
Unregistered and nonexempt; sale	1943	434
Whiskey warehouse receipts not securities	1937	374
Sedition; statute quoted	1935	756
SEED LAW		
Enforcement; registration, fees, etc.	1947	524
Vegetable seeds; produced by dealers; registration requirement	1955	725

Subject	Year	Page
SEED LAW (cont.)		
War veterans not exempt from payment of registration fee under	1939	454
Watermelon seeds, certification required	1939	325
Seeds; report of sale required	1931	438
Seese, Ann Lisbeth, private school; tax exemption	1947	121
Seines, nets See: NETS, SEINES, ETC.		
Seismic exploration; salt water fisheries; operation regulated	1951	512
Seizures See: SEARCHES AND SEIZURES		
SEMINOLE COUNTY		
County judge; compensation as judge of county court	1947	30 34
Election; electors, reregistration; relocation of districts; requirements	1951	114
Zoning regulations, criminal penalties for violation	1959	681
SEMINOLE INDIAN RESERVATIONS		
Broward county lands; leasing, fencing, posting	1943	304
Game and fresh water fish commission, authority to prohibit hunting and fishing by other than Indians	1953	358
Hunting on; subject to laws regulating	1953	357
Income from, use and disposition; leases and leasehold interests	1955	928
SEMINOLE INDIANS		
See also: INDIAN		
Crimes involving Indians; crimes committed in Indian country; jurisdiction	1959	473
Funds in state banks; security	1947	570
Senate resolution No. 34; air conditioning system in capitol; payment authorized	1937	628
Senate resolution No. 36; committee to investigate text books, expenses	1933	636
Senate, state See: LEGISLATURE		
SENTENCE AND JUDGMENT		
See also: JUDGMENT AND DECREE; FINES AND PENALTIES		
Amounts collected should be reported	1937	105
Assessing court costs by withholding the imposition of sentence	1955	704
Bail bond for alternate fines after service of part; return date	1953	707
Bond, cancellation, when defendant commits suicide	1957	705
Bond estreature		
Compromise and settlement by county commissioners	1941	135
Release of lien	1945	310
Bonds or indebtedness of county, etc., obtained on, subject to 5% interest	1937	38
Child molester law, conviction and sentence; parole, jurisdiction	1953	645
Clerk; commitment issued; procedure; sheriff's return on execution	1957	667
Commitment to division of corrections, effect, as commitment to Raiford; length of sentence	1957	472
Commutation of sentence		
Judge, by; same term of court as sentence imposed	1929	323
Sheriff, by; procedure	1927	385

Subject	Year	Page
SENTENCE AND JUDGMENT (cont.)		
Conservation agent, incurred by, in discharge of duty, method of relief	1933	506
County, against, payment from general fund	1935	761
County court, vacation; subsequent indictment	1951	774
County judge's court		
Commitment, delivery to sheriff	1959	272
Warrants, endorsement on	1959	272
County judges; entitled fees upon adjudication of guilt or innocence	1949	57
County property not subject to levy and seizure to satisfy	1931	472
Courts; authority to change or reduce	1931	623
Criminal case dismissed; county judge not entitled fees	1949	607
Criminal court of record; nolle prosequi, entered upon payment of court costs; commitment, issuance; clerk's authority	1957	462
Criminal procedure; appeal as stay of execution	1951	775
Declaratory judgments; industrial commission; authority to institute suit	1945	157
Drunken drivers, enforcement of penalties; county judge, power	1953	688
Enforcement by mandamus; procedure	1931	472
Escambia county; sheriffs' approval bond; liability	1949	608
Federal judgments rendered in Florida prior to 1931, lien	1933	523
Financial responsibility law; minimum sentence, fine imposed less than	1955	733
Fine		
Costs; bondsmen; no authority to surrender defendant	1949	607
Payment in default; procedure for enforcement when fine is imposed without imprisonment	1957	444
Form	1923	80
Imprisonment		
County jail in lieu of state prison, validity	1955	477
State prison and county jail; confinement	1959	682
Indeterminate sentence		
Conviction on two or more lottery counts; form	1957	457
Term of sentence to be imposed	1957	471
Trial court, authority to impose	1957	505
Insurance companies, revocation of license on failure to pay	1941	721
Judge, authority to modify	1917	461
Modification of previous sentence; subsequent new sentence; commitment, duty of clerk	1957	399
Municipal judge, inherent power to withhold imposition of sentence	1955	533
Municipality, against; does not create lien on property of until levy of execution	1933	539
Notice, service; surety companies	1945	706
Official record books, recording of final judgment in	1955	519
Order of service	1909	51

Subject	Year	Page
SENTENCE AND JUDGMENT (cont.)		
Prisoners		
Concurrent sentences; fines and costs, payment	1955	93
Gain time, mandatory sentence	1953	722
Rape conviction; mercy recommended to court; penalty imposed	1957	520
Relief from judgment incurred by conservation agent in discharge of duty; procedure	1933	506
Rule for determining consecutive or concurrent character	1947	600
State court, rendered in, on holidays; city courts	1933	557
Supersedeas, appeals as; court cost, payment	1953	52
Surety company, against; retention bonds on deposit with state treasurer to satisfy	1933	479
Surety; demand on defendant in prison	1949	608
	1951	773
Suspension	1923	64
	1931	361
	1925	328
When authorized		
Trial court, modify sentence, power of trial judge	1953	708
Void, when	1925	79
Septic tank cleaners; plumber's license, necessity of	1955	940
Sergeants at arms; preparations for session of the legislature; salaries and expenses	1955	3
SEROLOGICAL TESTS		
Marriage licenses		
Condition precedent to issuance	1945	720
Issuance; controlling date	1951	717
Service of process See: PROCESS		
Service officer, state See: VETERANS		
SERVICE STATION		
Premium or saving stamp plan, prize awards; legality	1955	330
Scheme for promoting the opening of station; legality	1957	363
Servicemen See: MILITARY FORCES; VETERANS		
Sewage disposal; board of health and plumbing inspectors; duties	1945	579
Sewing machine agents; tax, interpretation of law	1929	331
SEXUAL PSYCHOPATHS		
Mental condition of defendant; determination	1955	489
Proof; cost of determination; payment	1955	249
Shad See: SALT WATER FISHERIES		
Shawano drainage district, taxes; fees of tax collector	1947	200
Shell fish See: FISH AND FISHING; GAME AND FRESH WATER FISH COMMISSION; SALT WATER FISHERIES		
Shell fish commissioners See: CONSERVATION		
Shell rock company, Florida, payment of dividends upon order of court in which bankruptcy proceedings were had	1939	528
Shell, sale by state; disposition of proceeds	1947	363
SHERIFFS		
Acceptance of rewards as result of services performed	1957	652
Agreement to furnish deputized guards for private corporation	1941	27

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SHERIFFS (cont.)		
Alcoholic beverages		
Destruction	1941	696
Illegal sales		
Duties	1905	187
Search with or without war-		
rant; authority	1904	61
Order issued by judge to destroy		
whiskey	1931	516
Seizure		
Destruction; authority	1955	97
Disposition	1929	347
Still, seizure and forfeiture;		
procedure	1941	702
Appearance bonds		
Fees for approval	1947	162
Power to fix amount	1945	739
Armed posse, use in defense work	1941	354
Arrests		
Bail bond	1935	270
Convicts after expiration of re-		
prieves	1939	60
Highway patrol		
Appearance bond, capias is-		
suance after; service	1953	699
Delivery of evidence	1935	496
Fees	1947	41
		385
	1951	47
Procedure	1943	316
Mileage	1943	189
Other peace officers; payment		
of fees	1945	122
Parole violators		
Duty to hold in custody	1945	756
Telegraphic request	1945	125
Persons as fugitives from justice		
from another state	1939	62
Assessment of \$10.00 contributed to		
death fund for deputies' benefit,		
charge as expense; legality	1953	169
Association dues as office expense	1951	51
Attachment of property, authority		
to lock doors of business estab-		
lishment to secure levy	1959	37
Attorney, payment for legal advice	1935	220
Automobile purchases		
Agency owned by, from; sealed		
bids requirement	1957	665
Office use, for; method used to		
determine sheriff's interest	1955	747
Title registration	1957	465
Automobiles		
Exemption from gasoline taxes	1947	273
Patrol purposes, for; purchase by		
county commissioners	1947	146
Bail bonds		
Alternate fines after service of		
part of jail sentence; return		
date	1953	707
Approval	1925	381
	1943	495
Limited surety companies; ap-		
proval	1951	697
Bailliff, acting as	1941	26
Beach traffic; enforcement of		
regulations	1947	381
Bicycles, unclaimed; disposition	1957	187
Bill for conveying lunatics to		
Chattahoochee	1907	180
Bonds		
Default of payment, arrest of		
defendant	1951	772
Deputy sheriff authorized to		
accept	1933	266

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SHERIFFS (cont.)		
Bondsmen, release	1927	382
		394
Rearrest of defendant	1945	122
Budget law; competitive bids; re-		
quirements	1957	443
Budgetary procedure in light of		
chapters 57-368 and 59-216	1959	183
Calhoun county, sheriff appoint-		
ment to fill vacancy	1933	265
Candidate for office; qualifica-		
tions	1947	84
Candidates' filing fees, authority		
to return unused portion	1927	393
Capias, issued by trial judge,		
service	1953	25
Carbide or gas lighting system		
for jails	1931	631
Cash appearance bonds; defendant		
appearance in justice of peace		
court; disposition	1959	423
Certain expenses, how paid	1925	316
Certificates, forms to be used by;		
division of correction, authority		
to prescribe	1957	628
Circuit judge authorized to ap-		
point	1937	112
Claim against county for guard		
hire	1927	390
Commission, when expires	1927	396
Commissions		
Money derived from hire of		
county convicts	1915	119
Sale of property under process;		
entitled to	1933	261
Commitment		
Fees	1947	39
Sheriffs and constables	1933	266
Issuance by clerk; return on		
execution, requirement	1957	667
Prisoner; duty	1951	786
Quarantine hospital, execution		
of order	1945	119
Commutation of sentence, pro-		
cedure	1927	385
Compensation		
See also: Fees, this heading		
Arrest by highway patrol officer	1953	28
Court attendance; arrest made		
by constable	1951	62
Crime investigation, per diem		
allowance	1953	27
Expenses; Liberty county	1947	45
Transporting juvenile offenders	1951	48
Tubercular patients, recommit-		
ting; county responsibility	1951	526
Uniform support of dependents		
law, payment	1953	60
Complaint records, inspection by		
press or public; prohibited	1957	189
Confiscation of concealed weapons		
taken in justice of peace courts	1915	254
Constables		
Appointment as deputy	1941	54
		55
Dual jobs; legality	1953	41
Arrests, when authorized to		
make	1927	383
Authority	1927	384
Constable's prisoner		
Bound to higher court, handling	1953	678
Release without bond to at-		
torney; without authority	1953	678
Constitutional officers of state,		
considered as	1925	391

Subject	Year	Page
SHERIFFS (cont.)		
Constructive mileage	1913	189
	1921	208
	1921	290
Prohibited	1935	270
Control of vehicular traffic upon foreshore of Gulf of Mexico; authority	1955	557
Copies of criminal warrants to be made by	1927	373
Cost bills by county commissioners, mandamus compelling payment	1927	395
Costs	1923	79
	1927	383
		389
Deposit, required only in certain cases	1927	389
Extradition cases	1927	394
Method of collection		
Certain cases	1931	958
Person convicted of crime	1929	351
Procedure for payment	1937	73
Reimbursement of city	1945	111
County judge, when authorized to endorse summons	1927	385
County judge's court; delivery of commitment from, person responsible for	1959	272
County liability		
Costs of executing warrant in preliminary hearing, only	1939	65
Guard and servant hire at jail	1939	64
County officers, qualification for office	1927	396
County traffic officers; funds for maintenance, etc., operation; without authority	1957	207
Court attendance		
County judge's court; no per diem allowed	1913	189
		243
		631
Per diem, four dollars allowed	1931	
Criminal investigations, per diem allowance	1953	27
Custody and release upon commitments for trial in criminal courts of record	1939	66
Death of candidate for sheriff; refund of filing fee	1947	91
Deceased; election of successor	1943	141
Defendant		
Bond		
Arrest without warrant for criminal offense, legality	1959	674
Default of payment; arrest	1951	772
Discharged by county judge; without authority to issue warrant	1905	144
Release, without posting bail bond	1953	693
Surrender of by bail bondsman to sheriff; acceptance	1957	450
Dependents, support; serving or contempt citation; sheriff's costs, payment	1953	63
Deputies		
Acceptance of rewards as result of services performed	1957	652
Alcoholic beverage sales, connection with; prohibited	1953	24
Appointment	1923	288
	1927	340
Outside county	1921	237
Procedure	1941	28

Subject	Year	Page
SHERIFFS (cont.)		
Deputies (cont.)		
Appointment (cont.)		
Service during elections	1943	137
Arrests		
Any part of county, in; authority to make	1931	757
Constables; authority	1949	599
Attendance at F. B. I. academy; payment of expenses	1947	153
Benefit fund; assessment contributed by sheriff to; expense deduction; legality	1953	169
Bribes paid; money not subject to forfeiture	1953	655
Compensation	1911	59
General or primary elections; from county treasury	1939	108
Constable, holding office of; legality	1915	303
	1941	54
		55
	1953	41
County traffic officer; service civil process	1949	44
		49
		198
Court appearances, payment of witness fees and mileage	1959	149
Defense for false arrest; attorney's fees, payment	1959	657
Deputy tax collector; not prohibited	1949	41
Dismissal; procedure	1941	28
Eligibility for office of school trustee	1947	623
Eligibility of constable	1945	121
Expense	1931	634
Fees		
As witness	1947	595
Testifying in home county	1941	769
Filing names; approval of bonds	1945	120
Investigations; fees; amount; manner of payment	1949	40
		41
		45
Medical expenses of wounded deputy; payment by county commissioners	1947	141
Mileage		
Criminal procedure act, not entitled to under	1939	90
Payment not allowed prior to filing of information or indictment	1953	689
Minor, appointment as; disability of nonage, removal	1959	667
Minor traffic violation, certain informal method of handling	1955	196
Nonuniformed deputy sheriff, power of arrest in unmarked car	1955	892
Offenses; application of §932.06, F. S.	1957	333
Polling place	1923	229
Premium on bond; payment	1945	217
Right to discharge	1923	288
Service at election precincts; compensation	1957	556
Serving as night guard at jail; authority	1949	40
Special, residence requirements	1959	601
Summons in traffic offenses; fees	1955	123

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SHERIFFS (cont.)		
Deputies (cont.)		
Tax assessor, service as; eligibility	1951	210
United States marshal, appointment; eligibility	1953	26
Witness fees	1947	595
Criminal procedure act, not entitled to under	1939	90
Payment not allowed prior to filing of information or indictment	1953	689
Disqualification	1921	370
	1927	393
Appointment of special officer by court	1945	153
Dog boy (state prisoner), assistance; escapees, capture; use	1951	789
Dog quarantine; enforcement	1947	415
Dual office		
Constable as deputy sheriff	1945	121
County commissioner as deputy sheriff	1945	127
Sheriff as probation officer	1945	128
Duties		
Attendance at meeting, board of county commissioners	1925	311
Bail bonds	1923	265
	1931	642
Cash bonds	1927	388
Compensation	1927	230
Confiscation of property used in violation of prohibition law	1927	381
Delivering certified copy of record in capital cases before death warrant issued by governor	1929	299
Election day	1931	642
Isolation and treatment of venereal disease patients	1945	522
Jail sanitation	1943	175
Jurors; method of summoning	1945	151
Primary election	1931	528
Receiving seized fruits	1919	138
Service writs and processes	1931	629
Transporting boys to industrial school	1931	636
Dwelling, entry without warrant; arrest; authority	1953	679
		686
Educational programs, expenses in connection with; payment	1955	685
Elections		
Appointment of deputies	1943	137
General or primary, payment from county treasury	1939	108
Inspectors and clerks, powers and duties	1927	391
Polling place	1923	229
Entry by force into private residence to effectuate writ of execution; authority	1959	37
Equipment purchased by; title registration	1957	465
Execution		
Enforce writs of; locking doors to business to effectuate attachment; authority	1959	37
Levy, fees and costs of; payment	1959	609
Executive officers		
County judge's or justice of peace courts	1937	73
Witness	1923	244

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SHERIFFS (cont.)		
Expenses		
Assessment contributed to fund for deputies' benefit, deduction; legality	1953	169
Guarding school house, reimbursement	1941	35
Transportation		
Destitute patient to state hospital	1945	126
Juvenile offenders	1951	48
Unsuccessful trip to return prisoner	1947	42
Extradition		
Costs	1933	261
Procedure	1927	386
Costs and expenses incurred in; payment	1959	265
Fees		
See also: Compensation, this heading	1919	169
		304
	1921	103
		240
		267
	1923	293
	1925	104
		379
		380
	1927	376
		396
	1931	520
		630
	1937	78
	1939	45
	1947	158
		385
	1925	379
Accrual		
Additional to salary, Liberty county	1945	110
Arrests	1947	163
Highway patrol	1941	28
		29
	1947	41
		385
	1951	47
Appearance bond, capias issuance after; service	1953	409
Investigations	1949	41
Other states	1949	619
Payment to other peace officers	1945	122
Liability of county	1949	49
Report	1941	38
Traffic violations	1941	31
Bail bonds, approval	1941	32
		770
	1943	495
	1947	163
City prisoners in joint county-city jail; waiver	1945	118
Commitment	1921	301
	1933	266
	1945	112
		118
Constable, by	1921	406
Prisoner to jail	1947	39
Trials in cases where no indictment is found; execution of warrant	1905	201
Computation for period of suspension	1947	155
Constructive mileage when arresting more than one prisoner	1913	189
		208

Subject	Year	Page
SHERIFFS (cont.)		
Fees (cont.)		
Convict hire, not allowed on money received for	1913	202
		220
Copies of process	1941	32
Coroner's inquest		
Attendance	1931	626
Failure to hold; mileage and fees not allowed	1941	37
County commissioners' meetings, attendance; compensation	1941	137
County judge not advised	1923	268
Court attendance		
County judge's court	1904	73
Per diem not allowed	1913	189
		243
Foreign counties	1951	50
Justice of peace court	1904	73
Per diem	1921	258
Criminal cases		
Assessed as cost	1957	401
Investigations	1943	119
	1949	40
		41
		45
Reports to county solicitor	1945	115
Criminal court of record, commitment and release	1939	66
Cross ties cut from lands on which state holds tax sale certificate; attaching and selling	1935	271
Electrocutions	1931	628
Elisor raid arrests; not entitled	1949	43
Escapee from county jail, return; liability of state or county	1945	111
Estreated bond; appearance in criminal cases	1905	156
Execution and levy, payment	1959	609
Executions, docketing and indexing	1955	503
Feeding prisoners	1927	447
	1937	77
	1945	116
Fraction of day considered full day	1933	259
Fund from which payable	1947	158
Payable whether or not prisoners solvent	1933	259
Payment	1941	139
Fines or moneys collected by county	1905	192
Fingerprinting prisoners	1941	33
	1945	112
Gadsden county; animals running at large	1949	39
Game laws; enforcement	1929	204
General	1925	380
	1927	396
	1939	45
Guarding school house	1941	35
Handling prisoners	1949	415
Horse hire	1913	179
How paid	1927	376
Impounding cattle	1923	279
Indictment not found	1915	119
Joint county-city jail; city prisoners	1945	118
Juvenile delinquents, detention by sheriff	1957	8
Liquor, destruction	1927	387
Lunacy cases	1931	566
Method of procuring	1931	563
Mileage	1921	306
		352

Subject	Year	Page
SHERIFFS (cont.)		
Fees (cont.)		
Mileage (cont.)	1923	207
	1931	638
		762
	1943	116
		120
		189
Attending justice court	1915	240
Investigation of crimes	1941	36
Removal of prisoners to jail	1941	36
Trip to another county	1945	111
Unsuccessful trip to return prisoner	1947	42
Money for hire of convicts		
Collection	1921	409
None allowed	1905	197
	1913	202
		220
	1917	413
Movement of prisoner to and from clinic for treatment, etc.	1957	147
Multiple arrests	1947	40
Nonservice of process	1927	395
Parole revocation hearings	1943	118
Patient furloughed from state hospital, detaining	1945	117
Person detained under writ of ne exeat	1943	133
Petit jury, for calling	1939	60
Police department, payment	1929	349
Population of county by last census	1921	345
Prisoners		
Delivery to stockade	1941	33
Release	1945	112
Habeas corpus proceedings in another state	1913	256
Recommitment under order	1933	262
Removal to jail	1941	36
Return		
Another county, from	1943	120
Beyond state line, from	1913	255
	1927	329
	1931	634
	1943	116
Conviction affirmed by supreme court, when	1929	301
Liability of county	1945	111
Transfer by highway patrol	1941	37
Transportation to Raiford	1949	630
Process service	1923	216
		257
		281
		292
Criminal cases	1941	40
Execution	1931	783
	1937	76
Where no indictment found	1931	465
Jury venire	1919	296
	1921	333
	1923	284
	1929	294
Nonservice, fee not allowed	1927	395
Return	1951	47
Taxes for execution	1943	387
Traffic offenses	1955	123
Prohibition law, enforcement	1929	292
	1931	635
Provided by general law	1931	639

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SHERIFFS (cont.)		
Fees (cont.)		
Railroad inspectors, appointed as deputy sheriff; sheriff's fee	1957	198
Report of fees received for feeding prisoners	1929	317
Search and seizure		
Illicit beverages and apparatus	1941	38
Still, not allowed for seizing	1927	384
Servant hire	1913	263
Testifying in home county	1941	769
Traffic officers, state and county	1935	274
Transfer of prisoners	1941	41
Transportation		
Destitute patients to state hospital	1945	126
Minors		
Industrial school for girls	1935	271
Industrial school; transportation	1929	290
	1931	518
		632
	1933	260
	1935	274
	1945	109
Persons to state institutions	1937	74
Prisoners	1945	115
Hospital, to and from	1945	119
Jail, to and from	1907	212
State prison, persons committed	1931	518
		632
Venereal disease patients	1945	119
Detaining and feeding	1945	522
Transportation	1945	119
Witness, when entitled to receive	1925	381
Writ of ne exeat, service	1959	59
Fine and cost bonds		
Default in payment; procedure	1941	775
Liability		
Collection	1945	124
Sureties, qualifications as bondsmen	1957	686
Fines, collection; authority when imposed by county judge	1927	390
Fire prevention code, enforcement of provisions; authority	1959	392
Firearms		
Found in residence, without authority to confiscate	1929	349
Permit to carry not required	1931	636
Food, preparation; responsibility	1951	787
Forcible entry into private dwelling to effect levys; locking of doors to secure levy; authority	1959	37
Fund, private; transportation from bank to depository; without authority	1959	91
Game wardens		
Arrests, authority to make	1927	384
Ineligibility to serve as	1915	238
Guard or jailer, payment of expenses	1951	49
Guarding school house, reimbursement of expense	1941	35
Gulf of Mexico, state jurisdiction of water of, extending three leagues from shore	1933	264
Horse hire	1909	58
	1911	59
	1913	76
		179

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SHERIFFS (cont.)		
Impounded livestock		
Report of sale	1945	123
Transportation costs	1949	505
		506
Insanity hearing; service of notice	1945	536
Investigative and "M. O." files used in connection with criminals; inspection by press or public; prohibited	1957	189
Jailer as servant, employment	1951	247
Jailing prisoner; necessity of commitment	1945	117
Jails		
Custodian of prisoners	1927	392
Responsibility for maintenance	1947	151
Duty to keep clean and sanitary	1947	157
	1951	47
Guards		
Employment; authority	1929	291
	1931	548
		630
Compensation	1945	113
		114
		785
Payment	1935	273
Jailer, payment	1935	273
Keys; furnishing to constable	1945	117
Municipal liquor curfew; power to arrest violators	1947	498
Out-of-state trips; expenses	1947	42
Process service		
Authority	1947	44
Municipal courts	1947	172
Radio equipment; purchase by county commissioners	1947	146
Salary in lieu of fees	1947	45
		156
Servants; employment; authority	1931	630
Compensation	1945	113
		114
		785
Suspension and reinstatement; computation of fees	1947	155
Unforeseen expenses; supplemental budget	1947	44
Unsuccessful trip to return prisoner; mileage, expenses	1947	42
Waiver of preliminary hearing by defendant wishing to plead guilty	1947	592
Junior deputy program, expenses in connection with; payment	1955	372
Jurors in county judge's court, pay to come from fine and forfeiture fund	1927	390
Justice of peace		
Release of prisoner without bond to attorney; without authority	1953	678
Service of process in courts, authority	1943	129
Juvenile courts		
Duties and obligations concerning	1959	310
Investigations by sheriffs	1955	741
Juvenile law breakers, apprehension, custody, etc., within school area; school officials' authority		
re	1959	358
Legal adviser, authority to employ	1929	316

Subject	Year	Page
SHERIFFS (cont.)		
License for automobile; liability	1913	247
Martin county; sheriff's salary; account payable from; disposition of net income; date salary begins	1957	600
Mileage	1907	201
	1917	416
	429	
	1919	293
	296	
	1931	520
	638	
	1935	272
	1943	120
Arrest in another state; legality	1949	619
Attendance, justice of peace courts	1915	240
Deputy allowed to charge, incidental expenses allowed	1931	634
Primary elections	1931	641
Process service	1933	263
Removal of prisoners to jail	1941	36
Transportation		
Minors committed to industrial schools	1921	291
	1945	109
Persons committed to state hospital	1929	290
Prisoners	1931	796
	1945	115
Travel beyond state line	1917	468
	1921	375
	388	
Trips to other counties	1939	61
	1945	111
Military service, leave of absence	1941	112
Militia, authority to call out	1929	260
Monroe county; jurisdiction		
Boats and vessels, authority	1957	261
Fugitive, authority to board ship to apprehend; with or without warrant	1957	261
Territorial limits of county in and among islands and keys; starting points	1957	261
Motor vehicles		
Confiscation, does not invalidate lien	1927	381
Laws, arrests for violations	1933	63
Unclaimed; disposition	1957	187
Nepotism statutes; application	1943	121
Office blanks, payment	1921	137
Office budgets; procedure; enforcement by sheriff, etc.	1959	504
Office expenses	1955	660
Educational programs	1955	685
Junior deputy program	1955	372
Legal defense; payment; where authorized	1955	660
Office funds, use to promote good will with other law enforcement agents, legality	1959	752
Office income; feeding prisoners, receipt and expenses; effect	1953	29
Official bonds required to cover full term of office	1931	548
Parole revocation hearing	1943	118
Per diem	1921	367
	1923	215
	1923	215
Court attendance	1923	215
Small claims court	1951	51
Court officer	1923	228
Two or more cases in one day	1921	364
Personal service of civil papers, not compulsory	1927	389

Subject	Year	Page
SHERIFFS (cont.)		
Personalty, levying on; authority	1959	37
Persons		
Conviction in two courts; criminal sentences, service; fees	1957	38
Detained under writ on ne exeat	1943	133
Primary law, powers of certain officers	1927	392
Prisoners		
Care required	1923	233
Commitment; authority for detaining	1941	773
County; release to municipal police officer	1951	46
Delivery to agent; authority	1927	386
Federal custody; extradition; waiver of rights	1945	126
Feeding	1929	317
Amount allowed	1931	380
		632
Bill; payment as preferred claim by clerk circuit court; authority	1929	306
Contract for; authorized	1957	787
		839
Fraction of day paid for as full day	1933	259
Payment by county regardless of whether or not prisoners solvent	1933	259
Rate allowed	1933	267
Reimbursement for cook	1955	400
Required	1923	245
		264
Venereal disease patients	1945	522
Mileage when returning from beyond limits of state, entitled to	1931	520
Outgoing mail, withheld from mailing; authority	1953	722
Overcrowded jail; transfer to jail in another county; expenses, payment	1957	478
Property, safekeeping	1917	144
Railroad, when should be sent to	1927	382
Release	1945	112
Fee; reimbursement for transportation of prisoner from beyond county or state line	1949	47
Right to counsel, denial	1945	738
Transportation		
Clinic, to and from, for treatment; fees and mileage	1957	147
Mileage fee authorized for each prisoner when two or more	1957	482
Private funds, transportation from bank to depository, without authority	1959	91
Probation officer, cannot be	1919	85
Property advertised for sale, levy discontinued by plaintiff due to settlement; fee due to	1959	124
Propriety of certain expenditures; legality	1959	752
Radio equipment		
County commissioners to furnish; authority	1949	195
Operator's salaries; payment	1951	53
Railroad inspectors, appointed as deputy sheriff; sheriff's fee	1957	198
Records; telephone and telegraph bills, apprehension of criminals	1951	241

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
SHERIFFS (cont.)			SHERIFFS (cont.)		
Religious services, holding in jail halls or corridors; discretion	1957	297	Transportation (cont.)		
Reports, filing with comptroller; requirements	1957	429	Prisoners (cont.)		
Residence requirements	1951	54	Hospital, to and from	1945	119
Retired county officer; reemployment; compensation under retirement system, prohibited	1953	159	Venereal disease patients	1945	119
Retirement, not eligible on half pay	1937	79	Mileage	1943	121
Rewards			Tubercular patients, recommitting; payment of cost; county responsibility	1951	526
Payment	1931	403	Unclaimed property, disposition	1957	187
Power to offer	1929	349	Undercover men, without authority to employ	1931	403
Liability of county	1945	122	Unemployment tax warrant; duty to execute	1945	560
Sale of property levied upon under judgment; proof of publication, duty	1951	85	Uniform support of dependents law, payment under	1953	60
Salt-water fish law, power to enforce	1915	271	Vacancy in office		
Sanitary code of Florida, duty and authority in connection with enforcement	1955	333	Appointment by governor	1943	97
School trustee; legality	1949	38	Calhoun county	1933	265
Searches and seizures	1925	382	Venereal patients	1943	121
	1937	79	Weapons and firearms; forfeiture and sale after conviction	1941	759
Search warrants			Witness fees and mileage for court appearances, payment to special deputy	1959	149
Duplicate, when required	1927	383	Writ of habeas corpus, legal costs for executing	1927	386
Elimination, when	1925	319	Writ of ne exeat, service; fees	1959	59
Invalid on face; refusal to serve	1945	733	Sheriffs' association; dues; office expense	1951	51
Issuance for specific purpose	1931	635	Sheriff's office; person trained as specialist in public work; qualification as expert witness	1957	17
Return, fee	1951	47	Sherry wine; food product, not prohibited as	1929	406
Service aboard vessel	1945	129	SHIP CANAL AUTHORITY, FLORIDA		
Service of process			Board members; bonds; requirement	1945	506
Civil actions in circuit court	1935	277	Funds; source; effect of five funds act	1945	362
Justices of the peace	1935	265	Officers and employees; state retirement system, eligible	1951	218
Slot machines; seizure	1935	738	Shipment of intoxicating liquors See: ALCOHOLIC BEVERAGES AND LIQUORS		
Small claims court			SHIPPING		
Executive officer, as	1951	80	Insurance coverage; premium receipts tax; exemption; industry in conjunction with	1959	132
Fees	1951	83	Pilotage rates	1931	1020
Sunken timber, disposition	1923	251	Shipyard restaurants; hotel commission; jurisdiction	1943	427
Supersedeas bond, status during pendency	1931	637	Shirt factory; taxation, not exempt from	1937	532
Surety, demand on; defendant in prison; fine and cost bond	1951	773	Shoe manufacturer; taxation; exemption	1947	276
Suspension			Shoe repair shops See: TAXATION; LICENSES AND LICENSE TAXES		
Office property, recovery by appointee	1941	43	SHOOTING GALLERIES		
Retirement benefits, effect	1945	203	Managers required to pay license	1929	346
Tax warrants			Minors, permit boys to hold matches, etc.	1955	80
Costs, posting bond, recording	1943	387	Shooting; highways, on or near	1935	798
Service	1941	185	Shore space; application of law	1931	523
Telephone and telegraph bills, apprehension of criminals; payment	1951	241	SHOWS OR ENTERTAINMENTS		
Term of office, interim appointment; Polk county	1951	49	See also: TAXATION; LICENSES AND LICENSE TAXES		
Testifying in another county; summons; witness fee and mileage, payment	1957	184	License tax	1933	34
Timber agents, compensation; construction of law	1929	348	Exemptions	1931	747
Traffic offenses			Exhibition of animals	1943	231
Arrests	1943	117	Football stadium	1937	572
Summons, fees	1955	123	Fraternal organizations, liability when held under auspices	1927	202
Traffic officers, county commissioners must recommend appointment	1927	372	Side shows; freaks	1943	234
Transportation					
Destitute patients to state hospital	1945	126			
Prisoners					
Escaped	1943	116			
Fees	1943	116			
		120			

Subject	Year	Page
SHRIMP OR PRAWN		
See also: CONSERVATION; GAME AND FRESH WATER FISH COMMISSION; SALT WATER FISHERIES		
Boats		
Leased, unregistered, operation by residents; legality	1945	511
Nonresident		
Revocation of license	1945	514
Rights under reciprocal agreements	1947	409
Operation in Atlantic ocean	1937	297
Canning plant; license requirements	1933	3
Catching and shipping permitted	1929	288
Closed season		
Gulf, taking in	1937	299
Method of taking	1937	298
Importing by local factory	1935	667
Legal size	1945	517
	1947	401
		407
		410
License tax		
Canning plant	1933	3
Dealers	1931	391
Wholesale; definition	1945	517
Taking of; conservation board without authority to prohibit	1937	297
SHRUBS AND FLOWERS		
State plant board		
Certain rare native plants, gathering and sale prohibited	1953	676
		677
Certificate of inspection, fees	1955	508
Shuping, D. P., relief payment; method; source of money	1947	372
Sick and funeral benefit insurance		
See: INSURANCE		
Sick leave See: LEAVES OF ABSENCE		
SIDEWALKS		
Construction of, adjacent to public school property		
County commissioners, authority	1955	364
Expenditure of county funds	1957	39
Signal devices See: MOTOR VEHICLES		
SIGNATURES		
Local option election, application		
Sufficiency	1947	504
Withdrawal	1947	504
Notarization of husband's signature by wife	1947	132
State officers and employees; salaries, requisitions for; signature requirement	1957	71
SIGNS		
See also: ADVERTISEMENTS		
Display, when illegal	1931	417
Section 3529, compiled general laws, when not under provisions	1931	522
SINKING FUND ACCOUNT		
Board of administration		
Bonds, without authority to sell for less than par	1933	179
Investment, without authority to change form	1933	180
Securities and reinvestment, sale; authorization	1933	169
Board of public instruction, when authorized to invest	1931	613
Special tax school districts, handling	1929	411
Sinking fund bonds See: BONDS		
Skins and furs, dealer's license See: FURS AND HIDES		

Subject	Year	Page
Sky line contest; free prizes; lottery laws, whether violative	1951	743
Slenderizing salons; occupational license requirements	1959	174
SLOT MACHINES		
See also: COIN OPERATED DEVICES		
Boats	1935	736
Confiscation and disposition	1935	740
Enforcement in counties voting against	1935	741
Free plays, legality	1941	762
Gambling devices		
Unlawful when used as	1925	351
Used for, construction of law	1929	392
Within meaning of law	1905	183
Licenses		
Lessor and lessee	1935	734
Operators required to pay	1929	376
Use; legality	1925	383
Veterans not exempt	1935	53
Lotteries	1935	737
Operation		
Distance from school or church	1935	736
Revocation as of date of election	1935	735
Vendor of beverages	1935	308
Violation of law, when not	1929	341
Petition, balloting	1935	739
Prohibited in state	1931	858
Referendum	1935	733
Effective date	1935	741
Seizure		
Disposition by sheriffs	1941	764
Procedure; disposition	1931	506
Sheriff	1935	738
Unlawful operation	1933	597
Use and operation, law as to	1929	350
SMALL BUSINESS INVESTMENT ACT, 1958		
Chartered under general statutes for express purpose of operating under; eligibility	1959	104
Florida banking laws, effect of upon corporations licensed by	1959	104
Small business investment companies; organization in state as the federal small business act	1957	812
		814
SMALL CLAIMS COURTS		
Attachment, action for; jurisdiction	1959	402
Bay county; jurisdiction of causes of action arising on federal property	1957	387
Clerical assistance, expenditures	1955	124
Clerk		
Appointment, election	1951	63
County court; ex officio clerk	1951	63
Contempts, power to punish	1951	80
Costs and fees; service of process	1955	175
Creditors, use of title of court; prohibited	1951	77
Distress proceedings, jurisdiction	1951	90
Distress rent, action for; jurisdiction	1959	402
Establishment, use of court room	1951	63
Executive officer, sheriff as	1951	80
Judge		
Appointment, election	1951	63
Bond, requirement	1951	82
County judge as ex officio judge	1951	63
County retirement system, eligibility	1951	246

Subject	Year	Page
SMALL CLAIMS COURTS (cont.)		
Judge (cont.)		
Disqualification of; substitution of a judge	1953	46
Fees, additional	1951	77
Judgment, certified copies; fee	1951	77
	1957	76
Office, location	1951	79
Proceedings supplementary to execution; jurisdiction	1955	736
Substitution		
Compensation and expenses, payment	1951	64
Procedure	1957	298
Judgment from; execution, power	1951	86
Jurors, sheriffs' fees	1951	83
Jury		
Trials; challenges, applicable	1953	50
Venire and pay of jurors	1953	46
Moneys collected without suit; commingled with public money; legality	1959	447
Office and supplies, furnishing	1951	252
Person elected justice of peace and judge; constitutionality	1953	123
Process service		
Certified mail	1957	307
Defendant outside county; notice by registered mail; jurisdiction	1955	437
Notice by certified mail in lieu of registered mail	1955	221
		230
Records; place for keeping	1951	79
Rent eviction, jurisdiction	1951	90
Replevin, action for; jurisdiction	1959	402
Sheriff, attendance; per diem allowances	1951	51
Statutory liens, enforcement; jurisdiction	1959	402
Trials, outside of county seat	1951	79
Venue, actions ex contractu; replevin proceedings	1955	189
Small loan companies; confidential records; public inspection	1957	88
SMALL LOANS		
Approval by citizens	1931	755
Assignment of wages, employees, county board of public instruction	1951	599
Construction	1931	760
		927
Incorporation; directors of one company for making loans on different basis	1941	668
Interest three and one half per cent not illegal	1931	867
Law governing	1931	882
License		
Collections on existing loans when loans discontinued	1935	744
Requirements	1931	1000
Licensee		
Loans in excess of \$300 at rate not exceeding 10%, authority	1939	19
Right to charge or contract for attorney's fee	1935	743
Permissible rate of interest	1931	738
Qualifications of companies	1931	871
Salary or wages, earned, corporation purchasing, comes within scope of small loan law	1933	598
Security; life insurance prohibited	1941	668
Tax exemption not allowed under 1931 act	1933	97

Subject	Year	Page
SMALL LOANS (cont.)		
Vault charges unlawful where added to interest rate	1933	598
Soap manufacturer; taxation, exemption	1941	168
Social or fraternal clubs; alcoholic beverages; transport and storage in dry county; validity	1951	623
SOCIAL SECURITY		
Administration cost, assessment; deposit of funds	1951	552
Amendments to federal social security; necessity for legislation to implement	1957	58
Beverage department, establishment of funds; construction of act	1937	219
Board; additional compensation to director of bureau of vital statistics, registrars and clerks	1939	309
County employees, social security benefits adopted; membership in division A in retirement system; requirement	1957	232
County hospitals and institutions of higher learning, status	1957	59
Federal grant for aid, increase; effect upon maximum allowance	1951	536
Housing authority, retirement system; termination	1951	701
Mosquito control district, social security tax payment, legal expenditure	1955	515
Municipalities		
Coverage agreement; exclusion of certain officials	1951	705
Elective officers; retirement system in relation to definition, in social security law	1955	46
Firemen, eligibility to participate; Lake City	1951	272
Florida league; employee, coverage	1955	156
Hospital boards; political subdivision of state for OASI purposes	1957	438
OASI coverage for county employees; status of noninstructional employees of county school board	1955	949
Pensions	1935	726
Beverage act appropriates receipts, excluding expenses	1937	223
Political subdivisions		
Group coverage, separate plan approved	1951	700
OASI status	1957	240
Proposed documents, forms; approved, subject to certain suggestions	1951	563
Public employees		
Coverage; now covered by retirement system	1955	11
Referendum; governor, authority	1955	18
		633
		818
Retirement fund, policemen and firemen; social security law, as amended; relation to	1953	202
Retirement system, termination; Fort Myers	1951	702
State and county employees		
Food and lodging furnished; annual compensation; social security tax payment	1959	267

<u>Subject</u>	<u>Year</u>	<u>Page</u>
SOCIAL SECURITY (cont.)		
State and county employees (cont.)		
Living quarters and food furnished as part of salary, taxes upon; fund for payment	1959	33
Retirement system; administration	1957	588
State employees, contribution to retirement social security fund; not entitled to refunds	1957	489
Status of various governmental agencies	1957	240
Social welfare See: WELFARE		
Sociology and prophylaxis; fund solicitation	1939	390
SOIL CONSERVATION		
Committee, duties	1937	384
Districts		
Application of law	1939	422
Change of boundaries; authority of state board	1947	511
County commissioner not eligible to hold office of supervisor	1939	422
Equipment purchase by; appropriation	1947	511
Funds; use to repay loan	1947	512
Operations and programs	1947	513
Water level control; adoption of regulations	1947	513
State board		
Disbursement of funds to districts	1947	512
Supervisors		
Election; write-in votes; validity	1951	632
Qualifications and elections	1953	566
Soldiers and sailors See: ELECTIONS; MILITARY FORCES		
SOLDIERS' AND SAILORS' CIVIL RELIEF ACT		
Alimony payments, suspension	1941	73
Servicemen, taxes and assessments, moratorium	1941	173
		798
SOLDIERS' AND SAILORS' HOME		
Appropriation	1933	386
Old confederate; care; use, etc.	1937	628
Solicitation of funds; charitable purposes; permit, signature on application for; requirement	1955	545
Soup kitchen; maintenance by public school as educational purpose	1929	355
South Broward hospital district; officers and employees; state and county retirement system, not included under compulsory provisions	1957	416
SOUTH FLORIDA CONSERVANCY DISTRICT		
Application of chapter 17272 of 1935	1935	559
Tax sale certificates, cancellation	1933	242
South Florida telegraph company; occupational tax, liability	1904	27
South Peninsular zoning district; officers and employees; state and county retirement system; eligibility	1957	555
Southeastern investment company; cooperative syndicate agreements; funds to finance construction and sale of cooperative buildings; subject to regulations	1957	527
Southern Pine Lumber Company v. S. A. L. Railway Co.; communication to R. Hudson Burr	1907	41

<u>Subject</u>	<u>Year</u>	<u>Page</u>
Southwest Tampa storm sewer drainage district; sale of interest in lands by trustees of internal improvement fund	1941	172
Sovereignty lands See: PUBLIC LANDS; SUBMERGED LANDS		
Space heaters; hotels, apartment houses, etc.; installation regulations enforced	1953	512
Spanish-American war veterans See: VETERANS		
SPEAR FISHING		
See also: FISH AND FISHING		
Equipment, confiscated or forfeited in cases of arrest and conviction	1955	844
Special acts; real estate commission, construction of recent general act in relation to prior	1957	354
Special census See: CENSUS		
Special dietary food; labeling and sale of; requirements	1957	567
		568
Special elections See: ELECTIONS		
SPECIAL LAWS		
See also: LOCAL OR POPULATION LAWS		
Held constitutional until court adjudicates otherwise	1931	500
Publication of notice of introduction	1935	794
Spear fishing equipment; confiscated or forfeited in cases of arrest and conviction	1955	844
Special or local acts; referendum elections; requirements	1959	153
Special primary elections See: ELECTIONS		
Special tax road district See: ROADS AND BRIDGES		
Special tax school districts See: SCHOOLS		
SPEED LAW		
Counties	1933	566
Trucks	1935	566
SPEED LIMIT		
Law not repealed	1931	719
Law regulating	1931	866
Speed zones; county roads; establishment; responsibility	1951	462
SPONGE FISHING		
See also: SALT WATER FISHERIES		
Diving apparatus, use in gathering; penalty	1904	79
Fisheries; commercial sponges, sizes	1941	507
License to take sponges	1917	320
Sprinkler system; board of commissioners of state institutions not authorized to install	1931	439
Squirrels; pets permitted under certain conditions	1931	801
Stadium; municipally owned; leased for entertainment purposes, occupational license tax, requirement	1959	84
Stair-travelor; defined to include within the term of elevator	1951	527
STAMPS		
Alcoholic beverages; unused stamps; classified as class "A" intangible personal property	1957	778
Marks and brands, use of rubber stamp instead of steel	1935	801
Trading stamps See: TRADING STAMPS		

Subject	Year	Page
Standard trust company; newspaper advertisement; operates as building and loan association	1905	36
Starke, city of; special road and bridge tax levy, collection cost, liability	1951	498
STATE		
Bills; authority to contract and pay	1939	1
Building fund; use for buildings not specified in appropriations act	1945	472
Claim bills; statutes of limitations; payment allowed, etc.	1955	109
Conveyance of lands in Key West on which national guard armory located	1935	778
Erosion; doctrine, application with reference to state uplands; title, vesting	1957	865
Everglades national park; jurisdiction over lands re crimes	1957	874
Financial situation of, priority of claims	1927	198
Garnishment process, state not subject to	1904	68
Indian River farms drainage district, Murphy act lands; tax assessment; liability	1951	448
Interest on salary due school teachers, without authority to pay	1931	866
Land vested in, under Murphy act	1939	512
Leasing lakes, state without authority	1909	69
Men murdered, families of have no enforceable legal claim	1939	49
Persons entitled to tax exemption when lands vested in	1939	459
Property		
Conveyed from Dade county to state; validity of deed	1905	80
Municipal paving assessment against; costs, payment	1953	182
Provisions of workmen's compensation act, may not reject	1937	341
Seal, use	1935	797
Sunland training center; patient's trust fund; use of re unpaid claims due state	1957	787
Tax lien, more than four years old, etc.; law does not operate to vest title when	1939	508
Word "state" construed as used in compact between Florida and other states; persons placed on probation or released on parole	1955	947
State advertising commission See: ADVERTISING COMMISSION, STATE		
State advisory council on education See: ADVISORY COUNCIL ON EDUCATION, STATE		
STATE AGENCIES		
See also: BOARDS, COMMISSIONS AND AGENCIES		
Contractors employed by governmental agencies, removal from exemption	1959	171
Contracts		
Performance of services on other than salary basis; payments paid from moneys appropriated by general appropriations act	1959	207
Services of interior decorator in excess of one thousand dollars; not within the statute	1957	371

Subject	Year	Page
STATE AGENCIES (cont.)		
Fund; service charge allowed comptroller's or treasurer's office for handling	1959	429
Governmental contracts, penalty clauses in, legality	1959	718
Validation of bonds or certificates; certificate of clerk of circuit court; application of law to	1957	414
State agricultural marketing board		
See: AGRICULTURAL COOPERATIVE MARKETING ASSOCIATION		
State and county license See: LICENSES AND LICENSE TAXES		
STATE AND COUNTY OFFICERS AND EMPLOYEES		
Continuous employment, unbroken service, breach; authorized leave of absence	1957	404
Employment by the month; effect of employment for less than month; average daily compensation	1957	413
Re-employment after retirement; effect	1957	3
Retirement See: RETIREMENT SYSTEMS		
State employees' contribution to retirement social security fund; not entitled to refunds	1957	489
State armory board See: ARMORY BOARD, STATE		
State association; expenses and dues of county commissioners when attending	1935	236
STATE ATTORNEYS		
See also: ATTORNEYS AT LAW		
Acting, compensation	1921	278
Appointment and tenure of office	1915	117
Assignment to other circuits by governor; authority	1927	134
Assistant		
See also: COURTS		
Acting; power of governor to appoint	1945	103
Appointment	1917	186
Governor, authority	1939	96
Senate not required to confirm	1937	115
Chairman county executive committee, acting as, not prohibited	1949	33
Compensation while on terminal leave	1945	226
Cycle of term, thirteenth circuit	1937	114
Employment in another judicial circuit; unethical	1951	36
Extradition; authority to present application for requisition	1945	104
Fourth judicial circuit	1935	682
Information; authority to file	1943	109
Residence in same county; effect of law	1957	4
Retired national guard officer; eligibility	1947	358
Salaries; effect, subsequent statute	1943	109
Session laws furnished	1939	96
Status, if or if not confirmed by senate	1939	98
Traveling expenses	1935	678
Collection of claims, fees; payment	1904	45
	1935	683

Subject	Year	Page
STATE ATTORNEYS (cont.)		
Compensation when acting in another circuit	1919	211
Convicts, lease by county commissioners to another county; authority	1927	224
County officers; defaults; failure to proceed against	1953	16
County prosecuting attorney, permissibility of holding office as assistant state attorney	1959	218
County solicitor		
Disqualification; prosecution by state attorney, authorized	1937	116
Eligibility to hold office	1933	518
Criminal appeals, county judge's court to circuit court; responsibility	1951	776
Criminal investigators; payment of expenses	1947	27
Duties	1929	390
Appeals in criminal cases	1943	108
Bastardy proceedings	1937	118
Inheritance tax law	1931	393
Removal of cause against federal officers from state court to federal court, after	1933	519
Embezzlement, jurisdiction	1927	229
Expenses	1921	96
Court attendance in other circuits, payment	1927	183
	1933	520
Court reporter's fee for taking testimony	1935	681
Outside of state, while	1937	120
Transfer	1921	258
Expert witnesses testifying before; compensation	1957	880
Fees		
Bail bond estreatures	1919	303
Short accounts, collection of	1941	16
Fish nets, replevin not proper action by owner, other remedies outlined	1927	224
Gambling statute; construction	1929	261
		342
Grand juror, libel suit against; defended	1955	793
Grand jury sessions, attendance; requirement	1904	60
Habeas corpus hearings; attendance	1904	64
Holding office, seventh judicial circuit; authority	1939	97
Incompetency, removal by governor for; authority	1933	518
Indictment for robbery must lay ownership of property involved in someone other than defendant	1927	228
Information		
Against juvenile when thought necessary without regard to juvenile court action; authority	1959	197
Filed under law, permissive	1931	394
Inquests of the dead; autopsy	1949	617
Interstate extradition of witnesses; mileage, per diem	1945	754
Investigation ordered by; nonresident county, state; sheriff per diem	1949	42
Leave of absence	1917	194
Misdemeanors; prosecution	1943	428
County judge's court; without authority	1929	336
Municipal court appeals to circuit court; inactive	1953	17

Subject	Year	Page
STATE ATTORNEYS (cont.)		
Office rental and salary of stenographer	1935	679
Primary election, last day for payment of poll tax	1927	226
Process, issuance; summon of witnesses; authority	1937	118
Prosecuting attorney as candidate; eligibility	1945	134
Recording machine in lieu of court reporter; authority to purchase	1947	27
Reimbursement for funds expended, when entitled to	1931	561
Resident, county prosecuting attorney, power of county commissioners	1935	680
Resuming office while on terminal leave, eligibility	1945	220
Retirement system, Dade county officers and employees; eligibility to participate therein	1957	594
Salaries	1931	394
	1933	381
	1935	676
		677
	1943	109
	1943	109
Effect of subsequent statute		
Eligibility to, until successor duly qualified	1931	267
Fifteenth judicial circuit	1941	17
Old seventeenth judicial circuit		
	1935	679
Seventh judicial circuit	1937	121
Stenographer's salary authorized	1937	121
Support of dependents		
Laws re; duties	1953	59
Petitioner, representing; compensation	1953	56
Supreme court reports in hands of, rebinding	1935	684
Term of office in certain case	1919	149
Western Union telegraph files, search without consent; without authority	1931	395
Withdrawal of candidate; refund of filing fee	1947	92
State auditing department See:		
AUDITING DEPARTMENT, STATE		
STATE AUDITORS		
Assistant		
Effective date of resignation	1939	225
Removal for cause, authority of governor	1933	601
Salary, cannot recover after removal by governor	1933	601
County budget commission, excess fee fund; expenditures	1941	143
County officers		
Effect of census on salary	1941	142
Fees; Palm Beach county; report required	1931	400
County solicitors, books and records, trust funds and accounts, audits; requirement	1955	532
Deputy for Dade county	1935	746
Fees; in case of misunderstanding, matter should be referred to	1931	575
Municipality, auditing books; authority	1929	175
Report of county records to county commissioners, rejection of item; authority	1931	671
Rules and regulations re offices and departments, making and enforcing; authority	1937	97

Subject	Year	Page
STATE AUDITORS (cont.)		
Sheriffs, duties and compensation	1927	230
Tax sale certificates; inspection	1941	188
Witnesses entitled to fee and mileage	1927	230
State banks See: BANKS AND TRUST COMPANIES		
State beverage department See: BEVERAGE DEPARTMENT, STATE		
State board, commission or agency See: BOARDS, COMMISSIONS AND AGENCIES; Specific heads		
State board of accountancy See: ACCOUNTANTS		
State board of administration See: ADMINISTRATION, BOARD OF		
State board of architecture See: ARCHITECTS		
State board of beauty culture See: BEAUTY CULTURE LAW		
State board of conservation See: CONSERVATION, BOARD OF		
State board of control See: BOARD OF CONTROL		
State board of dental examiners See: DENTISTS		
State board of education See: SCHOOLS		
State board of embalmers See: FUNERAL DIRECTORS AND EMBALMERS		
State board of engineer examiners See: ENGINEERS		
State board of examiners for nurses See: NURSES AND NURSING		
State board of forestry See: FORESTRY, BOARD OF		
State board of health See: State board of health under HEALTH		
State board of law examiners See: LAW EXAMINERS, BOARD OF		
State board of medical examiners See: PHYSICIANS AND SURGEONS		
State board of naturopathic examiners See: NATUROPATHY		
State board of optometry examiners See: OPTOMETRISTS		
State board of osteopathic examiners See: OSTEOPATHY		
State board of pardons See: PAROLE OR PARDON		
State board of pharmacy See: PHARMACISTS		
State board of photographic examiners See: PHOTOGRAPHERS		
State board of public welfare See: WELFARE		
State budget commission See: BUDGET COMMISSION, STATE		
State building fund See: BUILDING FUND, STATE		
State cabinet See: CABINET, STATE		
State census See: CENSUS		
STATE CHEMIST		
Analysis	1923	149
Aid in securing	1917	177
Form of certificate	1917	335
Intoxicating liquors	1923	171
Appointment, powers, duties, appropriation and expenses, interpretation of law	1929	273
Appropriation bill construed	1923	168
Assistant		
Appointment	1919	93
Salary	1923	106
Traveling expenses	1907	108
		170
		173

Subject	Year	Page
STATE CHEMIST (cont.)		
Certificate, form admissible in evidence	1913	144
Drugs and medicine, transportation by mail	1927	258
Duties and expenses	1931	427
Expense account of food and drug inspectors, approval	1917	347
Fertilizer tags and certificates, forms	1935	717
Incidental expenses	1923	104
Inspector, shall be	1923	170
Laboratory	1907	69
Opinions rendered	1917	347
Semiofficial	1923	168
Traveling expenses	1923	169
Vic's health tonic, legality of sale	1927	258
Vouchers, approval	1919	186
State college for women, Florida See: STATE UNIVERSITIES		
State comptroller See: COMPTROLLER		
State constitution See: CONSTITUTION, FLORIDA STATE		
State convicts See: CONVICTS; PRISONERS		
State department of education See: SCHOOLS		
State department of public welfare See: WELFARE		
State departments See: BOARDS, COMMISSIONS AND AGENCIES		
State deposits See: DEPOSITS		
STATE EMPLOYEES		
See also: STATE OFFICERS AND EMPLOYEES		
Retirement See: RETIREMENT SYSTEMS		
State employment board See: EMPLOYMENT BOARD, STATE		
State fair See: FAIRS AND EXPOSITIONS		
State fire insurance fund See: INSURANCE		
State fire marshal See: FIRE MARSHAL, STATE		
State forester See: FORESTRY, BOARD OF		
State funds See: FUNDS; PUBLIC MONEYS; Specific headings		
State game commissioner See: GAME COMMISSIONER, STATE		
State game law See: GAME LAW		
State geologist See: GEOLOGICAL DEPARTMENT		
State governments See: BOARDS, COMMISSIONS AND AGENCIES		
State guard, Florida See: GUARD, FLORIDA STATE		
State health department See: HEALTH		
State health officer See: HEALTH		
State highways See: ROADS AND BRIDGES; HIGHWAYS, BRIDGES AND FERRIES		
State hospital See: FLORIDA STATE HOSPITAL		
State hospital for the insane See: FLORIDA STATE HOSPITAL		
State hotel commission See: HOTEL AND RESTAURANT COMMISSION		
State improvement commission See: IMPROVEMENT COMMISSION, FLORIDA		
State Indian reservations See: SEMINOLE INDIANS		
STATE INSTITUTIONS		
See also: Specific institution		

Subject	Year	Page
STATE INSTITUTIONS (cont.)		
Businesses and equipment located on grounds; license tax	1953	286
Expenses, necessary and regular, authority for incurring obligations; payments	1939	1
Salaries		
Employees, manner of paying	1925	181
Superintendents and department heads	1943	303
Sheriff, fees for transporting persons	1931	632
State institutions, board of commissioners of See: BOARD OF COMMISSIONERS OF STATE INSTITUTIONS		
State insurance commissioner See: INSURANCE		
STATE LANDS		
See also: LANDS; PUBLIC LANDS		
Drainage levy, payment by state board of education	1943	309
Liens, extinguishment by state board of education	1941	160
Mortgaging by state board of education, prohibited	1955	558
Murphy See: MURPHY LANDS		
Sovereignty land conveyed by trustees, right to subsequent accretions	1957	802
Taxability when title held by state board of education	1941	172
State legislature See: LEGISLATURE		
State library See: LIBRARIES		
State library board See: LIBRARIES		
State livestock sanitary board See: LIVESTOCK SANITARY BOARD, STATE		
State marketing bureau See: MARKETING		
State markets See: FARMERS' MARKETS		
State militia See: NATIONAL GUARD		
State milk commission See: Milk commission under MLK AND MLK PRODUCTS		
State moneys See: PUBLIC MONEYS		
State moneys deposited in banks See: PUBLIC MONEYS		
State normal school; scholarship, eligibility of married woman for selection	1904	42
State of Florida; tort liability to persons injured in connection with operation of certain state institutions; exemption; insurance coverage, purchase	1959	563
STATE OFFICERS AND EMPLOYEES		
See also: EMPLOYEES; OFFICERS		
Attendance and leave	1941	97
Board of health, liability for damages in operation of automobile	1941	517
Bonds		
Cancellation prior to expiration of term designated	1957	709
Method of bringing suit upon	1929	399
Premiums on, state may pay only with legislative authority	1933	610
Commissioner of state welfare, appointment by state welfare board unconstitutional	1937	492
Compensation		
Eligibility to receive when unable to work as result of illness	1939	557
Extra, from federal funds	1937	460
In lieu of vacation	1945	227
Living quarters and food furnished as part of salary, social security taxes upon; fund for payment	1959	33

Subject	Year	Page
STATE OFFICERS AND EMPLOYEES (cont.)		
Compensation (cont.)		
Services as board member	1953	355
Constable, not qualified to hold state office	1925	74
County office, eligibility to hold	1937	242
County school board member, eligible to serve as	1949	155
Definition	1917	126
Delinquent officers; duty of controller and other officers	1931	591
Dual offices	1933	610
	1941	93
		94
Compensation for services as board member	1953	355
Prohibition	1925	72
	1927	118
	1929	178
	1931	437
	1937	464
Boards, members	1933	614
Exceptions	1933	611
Elected officials, eligibility for coverage under workmen's compensation law	1957	674
Eligibility	1931	584
Employment, more than one political subdivision, or agency; legality	1959	517
Expense accounts under house bill 519, acts 1933, do not apply to governor and his cabinet	1933	612
Federal office, prohibited from holding	1925	391
Fees, local registrar may accept	1939	307
Florida industrial school, salaries; computation for income tax purposes	1941	796
Food and lodging furnished; annual compensation; social security tax payment	1959	267
Forestry law enforcement officer; employment; powers of arrest	1945	652
Former state employee; liability of state for involvement with woman	1947	628
Garnishment		
Proceedings	1937	464
Suit money	1939	556
Group insurance	1941	89
		90
		91
Payment of premiums		
Operating fund	1941	90
State; salary deduction	1949	554
		555
State tuberculosis board	1945	524
Homestead exemption situs	1957	773
Income tax, not required to pay	1937	534
Labor unions, constitution asserts right to strike; membership prohibited	1959	241
Legislative attaches; increase of compensation by resolution	1947	13
Merchant marine, service applicability, leave of absence statute	1941	104
Merit system		
Classified employees, political activities	1955	601
Nonresidents, eligibility	1947	119
Military leave of absence	1941	112
	1947	128
		129

Subject	Year	Page
STATE OFFICERS AND EMPLOYEES (cont.)		
Military leave of absence (cont.)	1949	156
		158
		450
	1951	212
Active military service; definition	1941	105
Board of conservation	1941	98
Board of control	1941	99
Calculating days in	1959	607
Civilian pilot training program; benefits; application	1941	101
Fee officers; re-employment	1943	170
Florida crippled children's commission, salary	1941	108
Florida forest and park service, enlistment prior to statute	1941	106
Florida state college for women; statute retroactive	1941	107
Florida state hospital	1941	108
		109
Form	1945	222
Motor vehicle commission	1941	110
National guard service	1949	158
Leave with pay	1947	359
	1949	331
Pay	1947	128
		129
Plant board, part time employees	1941	113
Re-employment	1941	112
	1951	211
	1955	171
Reinstatement, after; time of application	1945	223
Retirement privileges	1951	211
Salary	1941	103
State treasurer	1941	114
State welfare board, re-employment upon discharge; salary	1941	114
Statute		
Retroactive	1941	106
Scope	1941	115
Thirty days' pay	1945	220
Voluntary six months military service; effect	1959	133
Motor vehicle commissioner See: MOTOR VEHICLES		
Motor vehicles; purchase	1929	205
Nepotism, adopted relatives, law construed as applying to	1959	520
Notaries public		
Expenses incident to commissioning	1945	477
Fees	1919	233
Payment of costs	1943	344
Parole commission supervisor; residence requirements	1945	757
Pension law, applicability	1937	465
Political activities, prohibition	1949	590
Public officials, propriety of; procuring certain insurance on public money collected	1955	756
Reasonable value of living quarters, food and lodging; effect upon wages of	1959	97
Re-employment of veterans; industrial school for boys	1945	224
Registration; eligible to vote; home county	1949	89
		91
		92
		94

Subject	Year	Page
STATE OFFICERS AND EMPLOYEES (cont.)		
Reinstatement, application for after military leave; time	1945	223
Requisitions of; signature by department heads	1949	29
Reserve officers' training; leaves of absence with pay	1947	129
Residence requirements	1941	92
Continuous; exceptions	1957	518
Exception	1955	770
Retired employee drawing retirement pay; holding public office; waiver of compensation and travel expenses; eligibility	1957	519
Retirement		
See also: RETIREMENT SYSTEMS		
Appointment of successor	1939	559
Average salary, computation	1945	205
Election of system		
Eligibility	1945	215
University professor	1945	208
Re-employment after, effect	1955	776
Salary	1941	92
Temporary resignation, effect	1945	216
Years of service, computation	1945	207
Road department; abstract company owner, contracts	1949	384
Salaries	1943	304
Approval by budget commission	1941	321
Departmental budgets	1941	235
Assignment by; issuance of state warrant to assignee prohibited	1953	125
Payment	1919	173
Beneficiary	1935	747
Suspension of officer not concurred in by senate	1945	365
Requisition; signature requirement	1957	71
Retirement; when payable to beneficiaries	1937	465
Unearned, board of commissioners of state institutions without authority to pay	1939	286
Social security coverage, referendum election; governor, authority	1955	18
		633
Speculation by public officers; against public policy	1933	112
State fire marshal See: FIRE MARSHAL		
State insurance commissioner See: INSURANCE		
Statutes, state officers may not follow construction of by federal courts	1917	236
Suits, without authority to bind state	1925	79
Superintendent of public instruction entitled to back salary which he failed to receive during fiscal year	1933	612
Surety bonds, refund of premium	1941	95
Suspension		
Authorization by governor	1937	459
Resumption of official duties; compensation	1955	127
Tax sale list, publication in newspaper	1935	724
Teachers, deceased; accumulated leave or vacation pay	1949	324
Terms, beginning and termination	1953	134

Subject	Year	Page
STATE OFFICERS AND EMPLOYEES (cont.)		
Torts		
Liability	1949	468
State agency, liability	1945	548
Travel expenses	1935	748
	1945	202
Beauty culture board employees	1945	366
		594
		595
Hotel inspectors	1945	206
Maximum amount	1933	611
	1941	91
Subsistence; auditing of claims by comptroller; powers and authority	1959	549
U-Drive-It auto service and private flying service, transportation; travel requisitions under \$112.061, F. S.	1959	696
United States veterans bureau; cer- tified copy of certain records furnished free of charge	1929	406
University teachers, status; ad- ditional employment	1945	442
Vacancy, method of filling; appli- cation of statute	1931	1062
Veterans; restoration to former positions	1945	222
Wages		
Assignment by employees; not binding on employer	1959	224
Tax; unemployment compensa- tion	1943	382
Walton county bridge authority; acts of de facto officers; au- thorized	1939	429
Warrant, method of issuing when deceased	1933	613
Welfare board; salary; effect of ap- propriations act	1949	429
Witness fees		
Milage	1943	498
Allowance	1951	55
State and county officers not prohibited from receiving	1935	686
Payment	1937	343
Workmen's compensation		
Application of law	1947	446
Benefits; waiver by state employ- ees of certain	1953	478
Coverage of elected officials; waiver of exemption	1953	477
Funds for insurance cannot be maintained in state treasury to pay claims	1939	127
State pardon board See: PAROLE OR PARDON		
State parks See: PARKS, STATE; PARKS AND HISTORICAL MEMORIALS; FORESTRY AND PARKS, BOARD OF		
State planning board See: PLANNING BOARD, STATE		
State plant board See: PLANT BOARD, STATE		
State printing See: PUBLIC PRINTING		
State prison See: PRISONERS; PRISONS		
State prison farm See: PRISON FARM, STATE		
State prisoners See: PRISONERS		

Subject	Year	Page
STATE PROPERTY		
See also: PUBLIC LANDS		
Disposition of funds derived from sale of state personal property	1957	844
Insurance premium, how paid	1919	193
Protection, governor authorized to commission present employees	1927	123
Use of by local water control au- thorities created by special acts	1957	321
State purchasing council See: PUR- CHASING COUNCIL, STATE		
State racing commission See: RACING		
State railroad commission See: RAIL- ROAD AND PUBLIC UTILITIES COMMISSION		
State registrar vital statistics See: VITAL STATISTICS, BUREAU OF		
STATE ROAD DEPARTMENT		
Actions; may sue and be sued	1931	787
Advertising, expenditure of funds	1941	419
Airplane		
Purchase, authority	1933	619
Emergency landing fields, authority to maintain; limitation	1933	621
Appropriations act, 1933 applica- tion	1933	388
Attorney, authority to employ and fix compensation	1921	127
	1933	615
Automobiles, trucks, etc.; budget commission not authorized to make rules re purchase	1937	468
Bids		
Lowest responsible bidder; au- thority	1939	421
Purchases; requirements	1953	369
Supplies or equipment, adver- tising	1931	440
Bonds		
Contracts for road construction, to cover	1919	273
County, transferring	1919	276
Employees, premium payment	1933	615
Purchase not authorized	1919	274
Books and records; audit	1949	383
Bridges		
Construction at state line, au- thority to enter into agree- ment with Georgia highway department for	1939	419
Lease; authority	1931	453
Purchase not authorized	1931	451
Building construction; P. W. A. grant for	1935	527
Campus streets, junior colleges, construction; primary or secondary road funds	1957	586
Captains and guards hired by, sub- ject to regulations of prison department	1933	547
Causeway and bridge across old Tampa bay, application for grant of perpetual easement	1939	420
Certain property for bridge purposes in Bay county; empowered to ac- quire by condemnation pro- ceedings and convey by war- ranty deed	1933	623
Choctawhatchee Bay bridge, lease; authority	1937	469
Claims for damages; payments not authorized for personal and property injuries	1937	478

Subject	Year	Page
STATE ROAD DEPARTMENT (cont.)		
Commissioner		
Employee of department	1917	382
Traveling expenses	1915	220
Connor's highway, Matanzas inlet bridge and Shands bridge, purchase	1931	376
Construction of certain connection with state roads 13 and 14; authorized	1929	285
Contracts		
Bridges	1921	228
Columbia county	1921	249
Maintenance and construction of roads, bidders, guaranty required	1955	264
Primary roads, before completion of final budget; contractors' compensation	1955	5
Special contract for construction state road No. 82; lawful	1929	286
Convicts		
Discharge fees; payment	1941	794
Return of to state prison farm not authorized	1931	452
County roads		
Closing by state road department; authority	1959	399
Speed zones established; responsibility	1951	462
Drainage taxes on rights of way, payment	1941	418
Easement for subsurface road crossing by pipe lines, authorized to grant	1939	560
Eminent domain		
Right, may exercise	1919	270
Certain conditions, under	1933	618
Right of way in, jury has right to view and fix value	1933	620
Employees		
Group insurance	1941	89
Group life insurance for, not authorized	1937	479
Medical expenses, payment	1941	419
Engineering services for turnpike authority; advancement of funds for payment; legality	1957	28
Expenditures		
How made	1933	616
Vouchers issued by secretary and countersigned by chairman, lawful	1933	616
Federal aid		
Advance payment; acceptance	1951	293
Designation of additional roads as part of system; authority	1939	416
Federal government, erroneous condemnation; requisition, authority of comptroller to approve	1943	321
Funds		
Apportionment among counties, basis	1917	380
Bridge funds; comptroller authorized to issue warrant for disbursement	1937	468
County road and bridge fund to receive all moneys appropriated by chapter 17969	1937	419
Distribution fund; gas tax funds; apportionment	1943	322
Investments	1943	321
Payment of moneys in license fund to county commissioners	1937	480

Subject	Year	Page
STATE ROAD DEPARTMENT (cont.)		
Funds (cont.)		
Road license fund, Dade county's gas tax funds should be placed in	1939	521
Service charge allowed comptroller's or treasurer's office for handling	1959	429
Gasoline tax		
Collectivity from	1933	75
Rental equipment, payments from second gas tax	1937	475
Roads, Walton county; without authority to expend funds	1937	469
Second gas tax, authority to defer part	1937	470
Seven cent tax; liability for payment	1941	233
Surplus; direct payment not authorized	1937	423
Walton county bridge bonds, without authority to pledge second gas tax to payment	1937	470
Members		
Appointment	1919	133
Compensation	1919	271
	1945	502
Interest in surety bond of contractor; legality	1957	755
Merit system, cost of administration; payment	1955	541
Money, borrowing; construction of chapter 11297	1927	282
Motor vehicles		
Employees, rental authorized for state business	1933	617
License tax; support of department	1915	217
Officials and employees; when two dollar tax applicable	1931	454
Permission to operate on highways; authority to grant	1927	458
Purchase allowed	1929	184
	1933	617
Rented, subsistence and mileage limitations; application of chapter 16184	1933	618
Speed; regulation by governor	1941	374
No-parking signs on state highway outside municipality; authority	1957	559
Office building, purchase of property	1941	421
Opinions	1917	380
Outdoor advertising		
See also: ADVERTISEMENTS		
Fees		
Collection by tax collector	1941	649
Disposition	1941	650
Political posters	1941	651
Serial advertisements	1941	652
Poles, transportation		
Highways, over; prohibited after dark	1933	617
Interpretation of law	1937	481
Primary project, construction; before completion of final budget; legality	1955	5
Private engineers, employment on contract basis; authority	1953	421
Proposed paving, university of Florida	1941	418
Public works; contracts executed prior to August 1; adjustments to protect bidders from	1959	191

Subject	Year	Page
STATE ROAD DEPARTMENT (cont.)		
Relief payment; method; source of relief money	1947	372
Requisitions, appropriations	1935	527
Roads, certain construction work, authority to pay	1931	450
Sale of material for public use; by member of turnpike authority	1955	27
Secondary and feeder roads; construction and maintenance	1945	502
Securities deposited with federal reserve bank by state treasurer; insurance coverage	1947	19
State aid for roads and bridges	1919	280
State highway, maintenance and protection; construction of law	1931	455
State road No. 15; authority to award bids to lowest responsible bidder	1939	421
Supplies and equipment, purchasing	1949	187
		381
		382
		385
Surety on bond, authority to release	1919	275
Survey centers; information booths; authority	1949	381
Tax liens on lands, cancellation		
Aeronautical purposes, acquired	1935	86
State roads, acquired	1935	254
Tires, purchase; gas tax fund; county owned vehicles; authority	1951	494
Toll roads and bridges		
Bridges, lease; authority	1937	476
Charges for ferry and road service, tax exempt	1953	418
Employee of overseas road and toll bridge district; eligibility for retirement	1947	125
Gandy bridge, tolls and purchase; no jurisdiction	1937	473
Road leased	1933	87
Traffic		
Inspectors, authority to enforce regulations relating to aircraft	1933	622
Violations on ferries; highway patrol, jurisdiction	1953	408
Treasurer, reinsurance	1933	471
Trucks, speed regulation by OPA	1941	376
Turnpike authority, advancement of certain preliminary expenses; authority	1953	418
Water mains, permit for	1949	380
Weight limits on trucks and loads	1939	415
Workmen's compensation law; minor employees; double compensation	1945	554
State road distribution fund See:		
STATE ROAD DEPARTMENT		
State roads See: ROADS AND BRIDGES		
STATE SEAL		
Fees required for affixing	1925	128
Florida state canal commission may use on letterheads	1931	406
Replicas, manufacture and sale	1951	431
Use	1935	797
State senate See: LEGISLATURE		
State service officer; compensation, payment	1933	386
	1945	476
State soil conservation board See:		
SOIL CONSERVATION		
State superintendent of public instruction See: SCHOOLS		
State tax commission See: TAX COMMISSION; TAXATION		

Subject	Year	Page
State tax sale certificates See:		
TAXATION		
STATE TREASURER		
See also: INSURANCE		
Assistant treasurer, general authority	1941	6
Board of administration		
Claim, certain; not allowed as preferred	1931	320
Disposition of funds under provision of senate bill No. 40-XX, chapter 15770	1931	322
Gasoline tax, distribution; interpretation of law	1931	323
		324
Judgment against Leon county, payment authorized	1931	335
Ocean shore improvement district, bond trustees; remittance of certain funds unauthorized	1931	331
Bonds		
Bridge, cannot be used for payment of county and state taxes	1931	328
County		
Cancellation	1941	152
Custodian; duties	1945	98
Disposition of cancelled bonds	1947	22
Received for delinquent taxes; return	1935	95
Defaulted; method of payment	1931	329
Deposit	1937	123
Benevolent mutual benefit associations; requirement	1939	134
Surety companies; construction of law	1929	235
Duties	1931	325
Enforcing payment	1931	319
Everglades drainage district, delivery	1941	369
Exchange	1941	153
Fidelity or surety, order of court authority in certain cases	1931	332
Housing authority; eligibility to secure state deposits	1953	14
Refunding, Okeechobee county; allocation of gasoline tax	1931	329
Securities commission employees; requirements	1947	21
Surety		
Exchange	1935	611
Order of court authority to state treasurer	1931	332
Tax certificates, exchange for; when accepted, become property of state, county or municipality	1931	331
Certificates of indebtedness and fuel tax anticipation certificates, eligible as collateral security	1955	350
Collateral, sale	1935	618
Commissions on borrowed money, not allowed	1909	86
Council for the blind; deposit of donations, etc., in treasury	1947	435
County health unit; funds payable by municipality	1945	258
County registry funds, drafts against, payment before actual receipt; liability	1951	85

<u>Subject</u>	<u>Year</u>	<u>Page</u>
STATE TREASURER (cont.)		
Coupons		
County commissioners, duties enforcing payment	1931	319
Exchanged for tax certificates, property state, county or municipality	1931	331
Court registry funds See: REGISTRY OF COURT		
Deposit with securities commission in lieu of bond must remain with commission one year after depositor ceases business	1941	680
Deposits in court See: REGISTRY OF COURT		
Driver's license fees, deposit	1941	409
Employees, military leave of absence	1941	114
Escheated estates		
Disposition	1943	101
Duties	1905	90
Method of handling	1941	757
Explosives, license fees, deposit	1941	409
Federal aid road funds; deposit	1943	101
Federal grant, overseas highway; receiving and disbursing agent	1941	417
Funds		
Acreage tax, Everglades drainage district; disbursement; authority	1937	301
County bonds, acceptability, to insure fund	1941	11
Endowment, confederate soldiers' and sailors'; investment	1941	325
Florida state hospital; securing deposits	1943	171
Interest, disposition	1941	11
Construction of law	1931	327
Securities		
Acceptability	1941	12
	1943	103
Deposit	1941	10
	1943	100
Investments of deposits	1947	15
Teachers' salary		
Disposition of balance	1947	324
Warrants; form	1945	421
Trustees of internal improvement fund, method of handling	1941	359
Unclaimed tax redemption funds; custody	1945	294
Unemployment compensation funds for veterans and federal employees, bond for coverage of	1957	68
Impeachment proceedings in senate; employment of extra personnel; legality	1957	168
Insurance See: INSURANCE		
Interest		
Allocation; construction of law	1931	327
Payment of unauthorized interest on voucher by state treasury	1957	526
Legislative sessions; receipt of funds from board of trade of Jacksonville for expense of, legality	1911	80
Mortgages, trust companies required to file with, definition	1927	214
Municipal contributions, police officers' insurance and annuity fund; refund	1951	275
Murphy act funds, deposits and disbursements	1941	170

<u>Subject</u>	<u>Year</u>	<u>Page</u>
STATE TREASURER (cont.)		
Ocean shore improvement district; bond trustees, remittance of certain funds to; unauthorized	1931	331
Official bond; veterans' readjustment assistance act	1951	566
Opinions	1917	283
Receipt of incoming treasurer mandatory; form	1943	104
Retirement and appointment of successor	1939	559
Rubber stamp signature, validity	1941	6
Safekeeping receipts from banks		
Acceptable form	1945	100
	1947	15
		16
		17
		19
Custody of securities by issuing bank	1947	20
Securities		
Deposit with federal reserve bank; insurance coverage	1947	19
Disposition, when company becomes insolvent	1931	321
Duties; construction of law	1931	325
Method of handling	1929	207
Receipt, lost, issuance of duplicate	1941	13
Sale		
Evasion of law	1943	431
Interpretation of statute	1931	325
Settlement with bank in liquidation	1935	618
State funds; deposits, substitution	1945	97
Trust; disposition in certain cases	1931	318
State agency receipts, deposit in treasury	1945	101
State chamber of commerce, membership	1943	102
Surety company, not authorized to revoke license of	1927	211
Tax certificate issued in name of, without authority to apply for tax deed	1935	91
Teachers' salary fund, deposit; acceptance	1941	294
Textbook bids, securities required	1941	8
Trust companies		
Banks; when authorized to do business as	1927	212
Delivery of assets pursuant to circuit court order	1941	751
Deposited securities	1943	482
Insolvent, disposition of securities when	1931	321
War damage insurance on mortgaged property, deposits by	1941	750
Unlawful disbursements; duties	1933	614
Warrants		
Duplicate, responsibility; bond	1943	98
Endorsement; guarantee of authority of person endorsing in name of payee	1941	754
Lost; payment, procedure	1941	9
Old age assistance; cancellation; reissuance	1943	373
Payment, death of payee prior to endorsement but after transfer; rights of transferee	1941	753
State, acceptance of endorsement by representative of United States treasury department; payment	1955	824

Subject	Year	Page
STATE TREASURER (cont.)		
Warrants (cont.)		
Teachers' salary fund, on; group insurance; school bus drivers	1943	161
Unlawful, treasurer may refuse to pay	1909	87
State treasury; money paid into cannot be refunded except by act of legislature	1931	893
State troops See: MILITARY FORCES		
State tuberculosis board See: TUBERCULOSIS HOSPITALS		
STATE UNIVERSITIES		
Abandoned automobiles, bicycles, etc., on campus, disposition	1951	712
Academic year counts as full year for teaching staff, retirement purposes	1957	149
Admission		
Citizenship and residence requirements, without payment of tuition	1949	319
Vaccination as requirement	1947	342
Advance study; expenses; computing income tax; whether deductible	1949	328
A & M college		
Appropriations	1943	284
Employees, salaries, approval by budget commission	1941	321
Fund, disposition of excess interest	1941	322
Hospital		
Architect's mistakes, responsibility for	1949	326
Construction contract; recitals as to rate of wages	1947	277
Negroes' football games; name Orange Blossom classic; exclusive use	1949	328
Public building protection course of study, white instructors	1941	351
Release of funds to contractor; effect upon construction bond	1947	339
Vaccination as requirement for admission	1947	342
War damage insurance, P. W. A. dormitories	1941	334
A & M university; scholarships, tuition	1953	333
Appropriations	1925	248
Attendance, statute construed	1925	245
Board of control		
Appropriations; repeal	1943	285
Permanent building fund, payments	1943	284
Building, construction, repairs, etc., amount not to exceed certain amount; legislative authorization	1957	494
Businesses and equipment located on campus of; license tax	1953	286
Cadavers, bond prior to receiving	1953	345
Campus federal credit union; state employees, salary retirement benefits, assignments; validity, procedure	1951	420
Campus traffic courts, continuation; fees, disposition	1955	371
Diplomas, engraved, public printing; authorized	1953	356
Employees		
Compensation; ten months basis instead of twelve months; effect of rights under law	1955	324

Subject	Year	Page
STATE UNIVERSITIES (cont.)		
Employees (cont.)		
Group life insurance; employer contribution; legality	1951	419
Workmen's compensation	1935	535
Florida Alligator, student publication at university of Florida; purchases, competitive bids, requirements	1955	380
Florida council for the blind; Bethune-Cookman college; negro students; white teachers	1949	307
Florida state college for women		
Admission		
Applicagion; eligibility	1945	431
Board of control, authority re certain students	1931	410
Husbands of veterans	1945	440
Minor; residence; parent's consent	1945	430
Unmarried male veterans	1945	440
Appropriation	1919	264
Beneficiary under trust, proper, designation	1941	326
Buildings; permanent names	1945	438
Demonstration school unit; rental by county board	1943	249
Dormitory and dining hall revenue certificates; reserve surplus, transfer allowed	1949	327
Employees, military service, statute retroactive	1941	107
Insurance on destroyed dormitory, proceeds	1907	36
Male attendance, war time emergency	1941	355
Oleomargarine; use in dining room	1943	426
Retirement of professor; eligibility as state employee	1945	209
Scholarships		
Cancellation of notes; teaching credit	1947	349
Conditions	1945	432
Eligibility of alien	1945	429
Number; eligibility	1945	432
Requirements	1943	286
Students		
Appointment of guardian, form	1941	758
Citizenship affidavit	1941	327
Trucks, use	1931	962
Tuition fees, nonresident	1939	294
War department license; building at Dale Mabry field	1947	341
Florida state university		
Farm; anti-hog cholera serum and virus without cost	1949	505
Former business manager; recomputation of retirement allowance	1947	121 137
Housing association, inc.; ad valorem tax liability	1957	33
Liability insurance; FSU students and faculty; governmental, immunity	1951	417
Motor vehicles; liability insurance, purchased by board of control	1949	327
Swansee room, air conditioning installation; legislative authority	1959	358
Traffic regulations, campus; board of control	1951	419

<u>Subject</u>	<u>Year</u>	<u>Page</u>
STATE UNIVERSITIES (cont.)		
Fraternity houses; exemptions	1943	195
Funds; deposit	1951	345
Graduates' certificates, students' graduation since passage of chapter 6838 may receive	1915	181
Hospital; architect's faulty design; responsibility	1949	326
Housing association, inc.; ad valorem tax liability	1957	33
Housing units for faculty members; O. P. A. regulations	1947	340
Institute of government; expenditure of receipts from publication, etc.	1947	351
Law students, diploma privileges; authority of board of control	1947	336
Lewis scholarship; supplementary funds for summer school	1947	347
Louis Dudley Beaumont trust; release and waiver by board of control	1947	335
Medical school, use of state funds; audit; board of control, duty	1953	341
Medical students; residence requirements	1953	335 342
OASI See: SOCIAL SECURITY		
Payment of dues to association of land grant colleges and universities	1935	440
Police authority on campus; university traffic control	1947	339
Professors, advance study, expense for; computing income tax; whether deductible	1949	328
Property, when not exempt from taxation	1931	685 777
Public service; scholarship holder; ministry as public service	1947	347
Pugilistic exhibits, authority to hold	1927	444
Radio broadcasting station at Gainesville, duty to provide	1927	240
Retirement of teaching staff; employment on academic year basis; eligibility	1957	149
Revenue certificates; reserve surplus; dormitory and dining hall	1949	327
Scholarship notes		
Endorsement by responsible citizen	1947	349
Form, endorsement	1947	350
Scholarships		
See also: SCHOLARSHIPS		
House and senate	1949	320
Maturing of notes, enforcement of collections	1949	321
Racing contributions; type; restriction	1949	485
Teachers; requirements of holders attending institutions of higher learning	1957	491
Small dormitory housing projects; construction, off-campus lots; requirements	1953	340
Social security; status	1957	59
Stadium bonds; pledge of school money; validity of bonds	1947	308
Students		
Compulsory liability insurance on motor vehicles owned and operated by, without authority to require	1947	336

<u>Subject</u>	<u>Year</u>	<u>Page</u>
STATE UNIVERSITIES (cont.)		
Students (cont.)		
Injury to, exposed to laboratory hazards; liability	1953	337
Survey of, contributions to fund; income tax deductions	1955	346
Teachers		
Laboratory hazards, injury to student exposed to; liability	1953	337
Scholarship aid; house and senate	1949	320
Teachers' certificates issued to graduates	1915	180
Teachers' retirement		
Employment on academic year basis; eligibility	1957	149
Prior service credit	1949	317
Traffic courts, campus; continuation; fees, disposition	1955	371
Uncompleted houses; acquiring use for university teachers	1945	435
University of Florida		
Agricultural scholarships; amount of contributions from county funds	1947	344
Appointments; dual offices	1941	520
Athletic association not exempt from federal revenue act	1931	412
Buckman Hall; repair and renovation; transfer of funds authorized	1949	336
Cadaver loan, by anatomical board; legality	1953	345
Campus traffic; city of Gainesville, authority to regulate	1949	326 350
Classroom building; contract with architects	1947	366
College of forestry; use of unexpended appropriation	1947	351
Constitution; legality	1941	332
Contracting for part of building project before issuance of revenue certificates	1947	334
Copyrighted material, controversy re use of at radio broadcasting station	1927	243
Dean of college of engineering, compensation	1931	909
Dr. John J. Tigert, retirement allowance; special law	1947	123
Dormitory revenue certificates		
Sale	1949	336
Surplus proceeds to construct another unit	1949	323
Electrical power contract	1935	439
	1947	343
Elevator, liability in operating	1937	243
Employees		
Campus credit union; salary; assignment	1951	420
Retirement fund; assignment	1953	127
Exchange professor; aggregate years of service under state officers and employees' retirement system	1947	136
Faculty member		
Department of medicine; eligibility for membership on state board of medical examiners	1947	460
Status	1945	442
Fees, extra curriculum; board of control, authority to collect	1941	330

Subject	Year	Page
STATE UNIVERSITIES (cont.)		
University of Florida (cont.)		
Fraternity houses; taxation, exemption	1943	195
Funds appropriated for expenses; use for building construction	1947	334
Housing facilities for faculty members; federal rent control	1947	340
Improvements, state board of control authorized to expend certain sums	1927	242
Lease of houses for teachers; method	1945	435
Legislative investigation; expenses of board of control member; payment	1945	95
Lewis scholarship; admission of female holders	1945	439
Liability suits, immunity from; purchase of liability insurance; authority to waive immunity	1957	602
Loan fund; statute of limitation; obligations re	1957	779
President and vice-president; membership in teachers' retirement system	1947	328
Professors		
Election of retirement system	1947	137
Military leave; thirty days' pay	1947	129
Radio station		
Sale and lease	1939	291
State board of control authorized to erect	1927	240
Registration of students in primary elections; construction of law governing	1933	358
Rental contracts; limitation as to duration	1945	434
Retirement of professor; election of systems	1945	208
Revenue certificates; surplus proceeds; construction of another dormitory unit	1949	323
Scholarships		
Number; eligibility	1945	432
Section 768 C. G. L.	1939	218
School of forestry		
Appropriation, time period of; construction of chapter 18403	1937	1
Establishment and appropriation	1937	242
Seagle building		
Appropriation	1943	285
Lease, execution by board of education	1941	331
Staff members; prior service credit	1943	277
Student loan fund notes, application of statute of limitation to; obligations	1957	779
Student traffic court, operation; extent	1951	421
Students		
Agricultural course, qualifications to enter	1915	216
Citizenship affidavits	1941	327
Negroes, attendance	1941	332
Qualifications as electors to vote	1933	348
Registration in person required for primary election	1931	362
Residence requirements	1941	327 329

Subject	Year	Page
STATE UNIVERSITIES (cont.)		
University of Florida (cont.)		
Students (cont.)		
Women	1911	73
Teaching staff; extra compensation from board of engineering examiners	1949	324
Temporary buildings; contract for construction	1945	436
Title to lands purchased	1911	69
Traffic regulations		
Adoption, authority of board of control	1939	290
Enforcement	1947	339
Tuition of certain students; application of law	1931	413
Uncompleted houses; acquiring use for teachers	1945	435
University press; governmental agency, tax exemption	1955	944
Vaccination as requirement for admission	1947	342
Wives of veterans; admission	1945	440
University of Miami See: UNIVERSITY OF MIAMI		
University of South Florida, tort liability	1959	724
University professor; membership in teachers' retirement system	1947	137
University songs; proposed assignment of certain compositions	1939	294
Westcott estate fund, use of, for cost of survey of higher education	1955	370
Workmen's compensation	1935	536
State veterans' commission See: VETERANS		
State warrants See: WARRANTS		
State welfare department See: WELFARE		
State welfare director See: WELFARE		
Statistical services; payment by county or county judge not authorized	1937	63
STATUTES		
Constitutionality, assumption	1917	142
Copies of certain laws	1904	50
Departmental construction	1917	107
Distribution	1919	161
Officers	1935	756
Effective date	1935	786
Operative five days after approval, when	1917	233
Enactments of general operation, 1945; summary	1945	12
Interpretation of, containing apparent typographical error	1959	229
Invalidation of portion of act	1941	396
Mistake in reference to other statutes	1935	758
Revising and consolidating, committee; compensation	1905	74
Validity	1931	406
Statutes of limitation See: LIMITATION STATUTES		
Statutory compensation; nonclaim act not applicable to bills	1939	43
Statutory revision; duties and authority of attorney general	1945	43
STEAMSHIP COMPANIES		
Steamboats		
Interstate commerce, engaged in; out-of-state corporation; tax situs	1904	31

Subject	Year	Page
STEAMBOAT COMPANIES (cont.)		
Steamboats (cont.)		
License required for each boat selling beverages	1933	29
Railroad commissioners; jurisdiction	1905	110
Steamships and ferries; taxable situs	1933	146
STEEL VESSELS		
See also: BOATS; VESSELS		
Taxation; exemption	1937	532
STENOGRAPHER		
Acting for grand jury, liability for fees	1915	249
Salary, state attorney authorized to pay	1937	121
Stevedores; licenses; firms, corporations or individuals; granting of	1951	452
Stock and stockholders See: CORPORATIONS		
Stock brokerage firms; branch offices in state, stock bought on margin through; tax situs	1957	694
Stock car racing drivers; workmen's compensation law, coverage under	1951	545
Stock driver; interpretation	1931	875
Stock exchange securities See: SECURITIES		
Stock in trade; export sales only; taxability	1959	772
Stock Island; harbor master fees; collection from steamship company using private docks	1955	770
Stock; short sales of, through stockbroker; taxability	1957	837
STOCKADE		
Prisoners, uniforms, food, etc., for; use of road and bridge fund for, allowed	1957	671
Separate from county jail; repair and operation; use of road and bridge fund; commissioners, authority	1957	671
Stockholders See: BANKS AND TRUST COMPANIES		
Stocks See: TAXATION; CORPORATIONS		
Stockton, J. N. C.; in re trespass upon certain lands	1907	166
Stolen money; return of, to owners; procedure	1957	822
Stoneman, F. B.; eligibility for judge criminal court of record	1907	87
Stores See: DRUG STORES; TAXATION; RETAIL BUSINESS; MERCHANTS		
Streams; pollution and obstruction of by phosphate plants	1911	41
Street railways; municipality, authority to own	1919	200 204
Street risk; employees, workmen's compensation law, application	1951	540
Street tax; general law does not govern	1931	379
Streets and highways; closing by state defense council	1941	340
STRUCTURAL PEST CONTROL		
Board; powers	1947	469
Building contractors engaged in termite prevention during construction; legality	1957	620
Licensing of operators, etc.	1947	469
Maintenance of office in Florida; power of board as to regulations	1947	470
Out-of-state operators; certification; statutory provisions	1947	469
Stuart Daily News; certain claim	1933	134

Subject	Year	Page
Students See: STATE UNIVERSITIES		
Study bulletins; costs of preparing and printing payable from state textbook fund	1939	188
Sturchio, Frank G.; teacher's certificate; citizenship prerequisite; revocation, board of education	1941	266 267 275 276
Subdivision plats See: MAPS AND PLATS		
SUBDIVISIONS		
Assessment of lots in, where less than sixty per cent tax liability	1955	710
Description to be used for assessing land in	1933	139
Parks, rededicated; taxability	1957	20
Plats		
Delinquent tax, filing; clerk's duty	1955	72
Standards for construction of roads built by private developers; powers of county commissioners	1957	357
Resubdivided and replatted; effect of roads and streets	1957	373
Surveys, plats, and maps required by law	1933	634
Swimming pools, recreational facilities within; tax exemption; apportionment of taxes	1957	166
Sublease; documentary stamps required	1933	46
SUBMERGED LANDS		
See also: BULKHEAD LINES; FILLED-IN LANDS; RIPARIAN RIGHTS; WATER BOTTOMS		
Boca Ceiga bay; dredging and filling; navigable waters or ports, regulation	1955	863
Cocoa Beach, procedure for purchase, for public use	1957	434
Competitive bids; rights of upland owner priority	1959	1
Conservation department, ownership and control, powers re	1959	583
Dredging and filling		
Navigable waters or ports, regulation	1955	863
Specific authority, without; effect	1957	86
Extension or modification of United States permit, holder; not exempt from provisions of bulkhead law	1959	616
Guarantee to purchasers under bulkhead law	1957	307
Holder of unexpired United States fill permits, permittees not entitled to purchase without advertising fill area	1959	616
Lake Okeechobee, use of for public purposes; authority of trustees of I. I. fund	1955	606
Manatee lands; application for purchase	1959	1
Ochlockonee river and bay, submerged lands; not within boundary of Forbes purchase	1957	818
Owners of; purchased by abutting upland owner; filling with compliance of law	1959	293

Subject	Year	Page
SUBMERGED LANDS (cont.)		
Property purchased from state or its agencies; bulkhead lines, establishment across private property, county commissioners, duty	1957	484
Purchase of, and improvement; state gas and oil leases; leasehold rights; effect	1957	896
Riparian rights		
Construction of law	1933	635
Lands abutting on a street dedicated to the public; owner's rights	1957	17
Sale of, requirement for advertising	1957	476
Salt water rivers, providing bulkhead lines; whether exempt from operation of law	1957	563
Spoil bank, sale by competitive bids; rights of upland owner	1959	1
Trustees, internal improvement fund; procedural requirements regarding sale of	1957	226
United States fill permit, extended or expired; permittees not entitled to purchase without advertising fill areas	1959	616
Upland adjoining, taxation of; riparian rights, purchases under tax deed; status	1959	285
SUBPOENAS		
See also: SUMMONS; WITNESSES; PROCESS		
"John Doe" witness subpoena, issuance; investigating probable criminal violation; validity	1957	638
Subsistence and travel expenses See: Specific heads		
Substantive offense; punishment imposed by court of competent jurisdiction	1925	235
Subsurface rights; separate taxation; procedure	1957	534
Suffrage; right of, and to hold office after conviction of crime	1933	346
Sugar manufacturing plant; exempt from taxes	1933	97
Sugar; nonresident ownership; stored in warehouse in state; taxable status	1959	470
Suit clubs; lotteries	1935	810
Suits; bond of public officer; method	1937	46
Suits, forcible entry and detainer See: FORCIBLE ENTRY AND UNLAWFUL DETAINER		
SUMMONS		
See also: PROCESS		
Cost deposit for serving witness subpoena; deposit by solvent defendant in criminal cases	1955	383
Petit jurors; certified mail in lieu of registered mail	1955	183
Traffic violations		
Guaranteed arrest bond certificates; arresting officer, duty	1955	701
Sheriff's fees	1955	123
Summons and respondentum; sheriff, when authorized to endorse	1927	385
SUMTER COUNTY		
Board of commissioners; money for repairs	1943	178
Refunding bonds, payment by board of administration of cost of advertising bids	1941	470

Subject	Year	Page
Sun Dial school; nonprofit school for mentally retarded children, tax exemption	1957	827
SUNDAY		
Alcoholic beverages; legality of sale	1945 1947	637 496
Baseball		
Games	1921	347
Prohibited	1925 1931	96 752
Business houses not to open	1917	174
Candidates, last day for qualification; effect	1947	87
Firearms, use prohibited	1939	564
Hunting; legality	1943	492
Moving pictures and other theaters, operation-unlawful	1931	767
Search warrant, service; validity	1929 1931	385 820
Selling merchandise	1913	266
Theaters open	1917	88
SUNLAND TRAINING CENTER		
Child of a Canadian citizen, eligibility for admittance	1959	557
Funds held in trust for patients, use of re unpaid claims due state	1957	787
Superintendent of public instruction, county See: County superintendent of public instruction under SCHOOLS		
Superintendent of public instruction, state See: State superintendent of public instruction under SCHOOLS		
Superintendent of schools See: SCHOOLS		
Supersedeas bond See: BONDS		
Supervisor of registration See: ELECTIONS		
SUPPORT OF DEPENDENTS		
See also: UNIFORM ENFORCEMENT OF SUPPORT ACT		
Actions; cost; payment	1953	56
Aid to dependent children; support suit; limitation of action	1955	107
Clerk, circuit court; fees, payment	1953	62
Contempt citation, serving sheriff's cost; payment	1953	63
County judges' court, without jurisdiction	1953	61
Court costs		
Payment requirements when mother is indigent	1959	144
Waiver provision where indigent mother attempts to obtain support from resident father absent from home	1959	160
Crimes; failure to support child; extradition legal	1949	583
Defendant withholding support from minor child; support bond, county judge's authority	1957	789
Divorce; legal action taken after granted	1955	64
Fees, clerk and sheriff; payment	1953	60
Illegitimate children, maintenance and support by mother	1957	605
Indigent persons; court cost, etc.; liability	1953	61
Insolvent petitioners, procedure, cost	1955	269

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
SUPPORT OF DEPENDENTS (cont.)			Suspension See: GOVERNOR		
Justice of peace; issuance of warrant under criminal action for nonsupport; authority	1957	581	SUWANNEE COUNTY		
Needy parents outside state, action against Florida resident for support	1957	313	Military force; re-registration	1943	146
Nonsupport of ex-wife, extradition	1955	887	Trustee election; opening of books; registration of electors	1947	292
Petition			Sweepstakes; plan described in magazine clipping; whether violative of lottery law	1957	927
Copy of law attached	1953	58	SWIMMING POOLS		
Filing; procedure	1953	56	Supervision by board of health	1941	667
State attorneys			Within subdivision, tax exemption; apportionment of taxes	1957	166
Duties	1953	59			
Representing petitioner; compensation	1953	56			
SUPREME COURT					
Decision; effect on definition of securities	1943	430			
Governor, may require opinion upon certain matters	1905	40			
Justices					
Dade memorial commission, not eligible for appointment as member	1937	300			
Retirement					
Automatic; construction of law re	1959	57			
Fund; investment	1955	623			
Salaries	1931	277			
Special primary for; expense statements, committee assessments, etc.	1947	85			
State and county retirement system, credit for prior service as attorney for certain board or commission; eligibility	1959	94			
Reports; contract violated for printing; penalty, etc.	1905	58			
Substitution of judges; authority	1957	318			
Supreme court justice See: SUPREME COURT					
SURETIES					
See also: INSURANCE					
Agents, registration with clerk and sheriff; requirements	1957	712			
Fine and cost bonds; sheriff's liability; sureties qualifications as bondsmen	1957	686			
Mortgage brokers, maximum liability requirements; construction of chapter 59-309 re	1959	237			
Mortgage given by contractor to surety upon performance bond; contingent liabilities; tax situs	1957	213			
Surety contract in relation to deposit; benefit excludes obligees of bonds	1957	214			
Surety bonds See: BONDS, SURETIES; INSURANCE					
Surety companies See: INSURANCE					
Surety companies, limited See: INSURANCE					
Surgery defined	1951	579			
Surplus property; procurement by development commission for schools, hospitals, etc.; advancing costs and expenses	1957	490			
SURVEYORS					
See also: COUNTY SURVEYOR					
Definition; licensing by board of engineer examiners	1945	586			
Land surveys; preparation of maps and plats	1947	464			
Municipalities; employment; use of certain funds	1953	180			

Subject	Year	Page
Tag adjustment board; general and local statutes	1935	84
Tag safety device; purchase by motor vehicle department	1935	584
TAGS OR LABELS		
Commercial feeding stuffs	1935	719
Form	1935	781
Inspection, refund for costs	1935	719
Tampa Bay Bridge, lower; county funds, expenditure for opening ceremony	1953	143
Tampa Bay; perpetual easement for causeway and bridge, application for grant of	1939	420
Tampa chamber of commerce; democratic legislative caucus entertained by; election laws not applicable	1951	145
TAMPA, CITY OF		
Annexation of territory; procedure	1947	173
Board of representatives; minors, sale or delivery of packaged wine or beer; authority to prohibit	1957	455
Labor disputes, U. S. Phosphoric Products Co. not public utility	1949	447
Septic tank cleaners; plumber's license, necessity	1955	940
Special election to fill vacancy in office of mayor; holding in conjunction with general election; validity	1955	743
Tampa civitan club; parade, wearing hooded gowns permissible	1951	757
Tampa Garden Apartments; McDill air force base, leasehold interests; subject to taxes	1949	253
Tampa motor club; group accident insurance; members' eligibility	1949	553
Tampa yacht and country club; tax certificates not subject to cancellation	1939	508
Tampa yacht club stables, inc.; club; legality of use in corporate name	1951	637
Tangible personal property See: TAXATION		
Tartar emetic; registration with commissioner of agriculture required	1939	544
Tax deeds See: TAXATION		
TAXATION		
See also: ALCOHOLIC BEVERAGES AND LIQUORS; DOCUMENTARY STAMP TAX; ESTATE TAXES; GASOLINE; HOMESTEAD EXEMPTION; LICENSES AND LICENSE TAXES		
Abandonment of homestead; proof	1947	279
Acceptance of bonds, coupons or other evidence of indebtedness in payment, application of law	1931	530
Accounts receivable		
Contracts, subject to assessment as intangible personal property	1957	807
Foreign corporations; taxability	1953	258
Intangible tax	1947	236
Ad valorem taxes		
Aeroplanes	1931	689
Place where situate	1939	433
Concrete mixers, large cranes mounted on motor vehicle chassis, situs	1955	895
Leased property, city of Jacksonville not exempt	1939	451

Subject	Year	Page
TAXATION (cont.)		
Ad valorem taxes (cont.)		
Money released when suit dismissed; mandamus proceedings	1933	188
Motor vehicles not subject to	1931	674 937
Municipal electric plants and distribution systems exempt	1939	431
Personal property; liquor, wholesale stock; assessment; full cash value; federal tax included	1949	251
Voting in special tax school district election, payment prerequisite to	1931	1012
Adjustment, method	1927	182
Agricultural cooperative marketing associations		
Accounts receivable, taxability	1953	254
Tangible property and capital stock	1945	662
Air lines; occupational licenses	1947	252
Aircraft; assessment, exemption	1947	277
	1951	493
Alarm clocks designed for public use, coin operated; liability	1953	279
Aliens, when subject to	1923	159
American Legion property exempt	1929	370
American Red Cross; utility tax; exemption	1957	125
Annuities; intangible tax	1947	237 238
Apartment house rooms, statute upheld as to	1929	234
Asphalt spreaders subject to	1937	548
Assessment roll		
Assessor and county commissioners; duties	1931	692
Correction	1919	182
	1931	673
Submission by assessor	1947	203
Assessments	1909	57
	1923	101 231
Acceptance of tax roll, cannot be made after	1937	101
Accounts receivable; intangible personal property tax; valuation	1949	248
Ad valorem millage; cigarette tax; county, city consolidation	1949	276
Alcoholic beverages; date	1945	633
Assessor; purchase of equipment; use of surplus funds; bids	1949	230
At full cash value	1949	233
Bank deposits, authority	1917	363
Bank stock	1933	54
Supreme court ruling	1927	451
Banks	1931	670
Bases of computation of assessments and exemptions allowed to widows, veterans and others	1929	372
Blanket revision by county commissioners	1945	299 301 304
Boats, documented; personal property	1951	304

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Assessments (cont.)		
Building and loan associations	1917	356
Buildings; removal, effect	1949	225
Candidates; disposition; county executive committee; power	1949	132
Certain improvements, discretionary	1927	446
Certain lands to be assessed, how	1927	423
Charlotte county; lands of game and fresh water fish commission	1949	400
Church and school property unoccupied, liable to taxation	1915	265
City commissioners; valuation of certain property; authority to change	1931	1030
City, valuation not to exceed that of county and state	1925	385
Closing of books	1943	211
Collection	1931	777
Commercial aircraft; allocation of valuation	1945	324
Commission in special tax school districts	1931	951
Construction of new courthouse	1943	207
Cooperative associations incorporated	1951	641
Cotton in storage	1921	253
County building and bus fund; assessor's fees; county commissioner authorized to pay	1949	229
County commissioners		
Public recreational facilities; extension; repair and maintenance	1949	235
Reduction of valuation on certain lands; without authority	1931	690
County tax		
Assessor; duties; municipal taxes; Broward county	1949	229
Equalization board; tax roll; duty to correct errors	1949	228
Defunct banks	1923	124
Delinquent tax levies; lands transferred to other counties	1949	20
Democratic executive committee	1949	126
		127
		129
Description in absence of recorded plat	1947	131
Distribution, on personalty of railroads	1927	172
Double; void tax deeds; right to refund of tax amount	1959	24
Drainage districts		
Lands of game and fresh water fish commission, within	1949	345
Palm City; requirements, separate tax roll; Martin county	1949	345
Tax delinquent lands; county settlement	1949	346
Drainage law does not affect	1927	428
Drainage taxes	1921	224
	1927	425
Equalization	1921	82
		125
County budget board	1945	299
County commissioners	1945	299
		301
		304
Finality	1913	152

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Assessments (cont.)		
Equalization (cont.)		
Personal property	1947	206
Tax rolls; fee; tax assessor; exclusion from board hearings, illegal	1949	231
Erroneous description of lands; correction after sale	1947	179
Executive committee; official receiving fee; qualification	1949	124
		126
Fees, when allowed to assessors	1927	295
Flood control district; taxing officials; compensation	1949	229
Full cash value; requirements	1949	233
Gasoline subject to personal property tax	1935	47
General school fund; application of law	1931	1055
Government agencies; self insurers; F. I. C. workmen's compensation division	1949	437
Intangible personal property	1935	39
Basis for valuation	1945	325
Erroneous assessment; certification by assessor	1937	543
Justifiable, though deed not issued	1931	702
Land transferred from county to county	1949	20
		21
Liquor, wholesale stock; ad valorem personal property tax	1949	251
Mineral rights separate from real estate	1943	206
Motor vehicles; levy and sale for personal tax	1949	235
Municipalities		
City and county assessed together; millage deadline	1949	244
Consolidated, back assessments	1951	266
Equalized tax assessment roll; certification; St. Petersburg Beach	1949	244
National banks	1917	467
Congressional authority	1929	197
Personal property	1931	669
Omitted		
Item, intangible personal property	1933	58
Property	1933	122
Partial roll; approval by county commissioners	1945	308
Personal property, location	1915	213
Preceding years	1937	590
Privately owned toll road leased by state road department	1933	87
Procedure for changing	1927	431
Property		
Real and personal; full cash value	1949	233
Removal of buildings; effect	1949	225
St. Johns Terminal Co., Duval county	1931	276
Public lands conveyed by trustees internal improvement fund	1943	296
Railroad		
Board, determination of values among municipalities	1941	200

Subject	Year	Page
TAXATION (cont.)		
Assessments (cont.)		
Railroad (cont.)		
Tax in sub-school district	1909	73
Real property		
Date	1945	298
Federal government, leased from; houses constructed by private persons	1949	103 231
Held in trust; homestead exemption claim thereon; liability	1955	104
Improvements assessable	1931	713
Lands separate from building thereon	1917	457
Leased	1937	585
Person to whom made	1917	360
Railroads, leasehold interest in lands	1953	244
Realty shown on subdivision map or plat, where no formal dedication executed, tax situs	1959	136
Reference to plat or map not properly of record	1955	620
Successive works of improvement, assessment for special benefits	1957	244
Tax roll, 1958; construction 1957 act	1957	223
Reductions	1921	131 158
Requirements of constitution and statutes listed	1935	122
Resubdivided lands	1947	193
Sections 19 and 30, township 4 south, range 22 east	1953	1
Special districts overlapping	1921	139
Stock in trade; method	1945	298
Stockholders of bank in hands of conservator	1933	299
Tangible personal property		
Attachment, issuance; when deemed assessed for	1959	31
Removal from state; unpaid tax	1949	252
Tax liens against	1955	62
Time	1947	232
Tax certificates; sales to individuals; redemption	1949	236
Tax commission, authority to equalize	1917	354
Tax roll		
Errors by tax assessor; correction authorized	1949	217
Review and equalization; duties of tax assessors	1951	298
Unequal; validity	1949	216
Tram roads	1909	77
Trucks; goods sold merchants within municipality	1949	261
Turpentine		
Leases; cancellation	1905	92
Privileges	1905	198
Venetian causeway; ad valorem taxes; Dade county	1949	237
Wife's property in name of husband	1917	368
Assessors		
Acreage given in government surveys, duties	1955	442
Adjustment, method of assessing after	1929	405

Subject	Year	Page
TAXATION (cont.)		
Assessors (cont.)		
Advance commissions; payment following impounding of funds by mandamus	1933	229
Assessed valuations changed to affect totals	1913	185
Assessment roll		
Correction; authority	1931	673
County budget commission, submission to	1947	203
Review and equalization; duties	1951	298
Unequal; validity	1949	216
Assistant; compensation	1927	433 1933 221
Attorney's fee; defense of action against	1951	224
Automobile; right to purchase for use in performing of duties	1929	374
Bids; purchase of equipment; approval county commissioners	1949	230
Books after equalization, authority	1913	152
Broward county assessment of taxes; constitutional provision	1949	229
Calculation	1943	214
Calhoun county; fees	1945	303
Canals and highways exempt from taxation	1925	179
Candidate for office; filing fee	1947	89
Cattle count; liability of county for expense	1945	242
Certain returns, when acceptable	1927	311
Certification of valuations and millages in certain counties	1955	852
Chamber of commerce membership dues as expenses	1949	154
Changing roll in hands of tax collector	1935	126
Commercial aircraft; proposed plan to allocate valuation; legality	1945	324
Compensation	1907	203 1923 128 1927 295 1933 230 1937 83 86 88 92 1939 71 1941 155 176 178 179 1943 209 214 215 1947 158 1951 300 1953 167
Additional for making up tax lists not considered as income of office	1939	72
Advance, following impounding of funds by mandamus	1933	229
Allowance	1929	228

Subject	Year	Page
TAXATION (cont.)		
Assessors (cont.)		
Compensation (cont.)		
Allowance (cont.)	1931	275
		514
		693
Application of law	1931	692
Assessing taxes pursuant to mandamus writ; Okeechobee county	1933	222
Assessment which supreme court later decides not au- thorized	1935	246
Assistant	1927	433
Calhoun county	1945	303
Certain state tax levies for 1933	1933	229
County funds, not from school funds	1921	360
County, payment	1927	423
Dade county	1947	158
Deduction for errors	1937	85
Drainage taxes	1913	198
Everglades drainage district taxes		
Collection	1941	180
Dade county assessor	1947	158
Excess, distribution	1941	145
		146
Extra work, not entitled to	1931	670
Former tax assessor entitled to, for balance of commis- sion due him on tax roll	1933	231
General school taxes	1945	302
Illegal assessment, not al- lowed	1921	401
Intangible personal property	1931	689
		691
	1933	225
	1947	199
	1957	934
Invalid law, prohibited under		
Lands sold to state for nonpay- ment of taxes for preceding year	1933	227
Last installment, payment	1927	424
Maximum received; excess should be paid into county excess fee fund	1933	223
One and one half per cent, when entitled to	1931	604
Payment	1921	138
Method	1923	269
Requisition filed after January 1	1959	140
Source	1955	14
Time	1947	202
Polk county	1937	83
Property sold to state, not al- lowed for entering on tax roll	1931	683
Prorating	1935	200
Report required	1931	400
School fund, not paid from	1913	178
	1915	235
School taxes; time of pay- ment	1947	202
Service bond issues; payment by board of administration from gas tax funds	1941	474
Services in prior years; Ham- ilton county	1949	154
Special road and bridge dis- trict	1929	228
	1931	683
	1935	247

Subject	Year	Page
TAXATION (cont.)		
Assessors (cont.)		
Compensation (cont.)		
Special tax school district	1931	595
	1935	245
		438
Application of law	1931	1055
Certain counties	1933	221
Under chapter 15048, acts of 1931	1933	228
Special taxes and special tax district taxes	1933	224
Special taxes, collection	1931	677
State lands and lands be- longing to widows	1931	1044
State tax certificate, lands assessed	1929	209
Tax certificates		
Entitled to two per cent	1939	70
Extending taxes after re- demption	1931	691
Taxes extended by clerk cir- cuit court or tax collec- tor, not entitled to	1935	241
Ten-mill levy provided for general school fund, as- sessing; construction of constitution in re	1931	347
Unofficial work	1943	210
Valuations less than \$5,000,000.00 by reason of homestead exemption	1935	240
		246
Complaints as to assessments, review	1915	270
County commissioners		
Building and bus fund, assess- ment fees; authority to pay	1949	229
Everglades drainage district; compensation; taxing	1949	232
Right to recover over-pay- ments in commissions	1929	371
County enumerator, serving as	1913	221
Delinquent taxes; reflection on current roll	1945	305
		306
Deputy sheriff, eligibility to serve as	1951	210
Description of lands in absence of recorded plat	1947	131
Drainage tax		
Assessment	1927	425
Collection	1905	87
Duties	1925	164
		171
		377
Assessment roll	1925	377
	1931	692
Carrying out totals	1929	387
Intangible personal property	1931	680
		681
	1933	60
Election to office of county judge; continues in office until successor qualifies	1904	57
Elections See: ELECTIONS		
Exemptions	1931	687
Applicant for, assessor with- out authority to adminis- ter oath	1935	244
Determination	1927	430
Property tax; rules applicable municipal tax assessor, county tax assessor	1949	207

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Assessors (cont.)		
Expenses		
Chamber of commerce membership dues not chargeable as	1949	154
Convention, allowance for attending	1929	372
Office; reimbursement	1945	258
State association, allowance for attending	1935	244
Final reports and settlement, requirement	1904	70
Flood control district taxes; assessment and collection; compensation	1949	229
	1951	295
Gasoline subject to personal property tax	1935	47
Halifax hospital district, commissions for assessing taxes for, under chapter 15794, acts 1931	1933	224
Homestead exemptions		
After conveyance of homestead	1945	288
Appeal from ruling	1943	198
Application; disapproval; review by county commissioners	1947	194
Claims; residence proof, certificates; effect	1951	355
Liability in determination	1935	239
Interest on loan; office operation; payment by county	1951	301
Judgment of exemptions; servicemen	1949	213
Lands		
Errors in description; correction after sale	1947	179
State roads, acquired for; dates relating to cancellation of tax liens	1935	254
Zoned for agricultural purposes, assessment; duties	1959	737
Litigation; county attorney representing; compensation	1949	245
Maps, plats, drawings, and other documents in tax assessing offices; copyrighted; sold or reproduced by members of the public; private rights in	1959	619
Merchandise, required to follow law in assessing	1937	581
Millage; time for furnishing by county commissioners and school boards	1947	204
Monthly advances to county assessor by board of county commissioners, amount	1933	225
Motor vehicles, registration; in office; public record	1953	126
Municipal and county, rules applicable	1949	207
Municipalities, homestead exemptions; granting	1951	261
Office equipment; purchase by county commissioners	1947	159
	1949	230
Office expenses		
Itemized statement required	1931	686
Membership dues, chamber commerce not chargeable	1949	154
Payment	1927	201

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Assessors (cont.)		
Office hours, fixing for half day while preparing tax roll; authority	1957	590
Office personnel; employment; authority	1953	152
Office printing; county commissioner newspaper owner; purchases, legality	1951	254
Owner, without authority to determine	1923	231
Palm Beach county water control district, compensation for services in connection with	1959	459
Peace River valley water conservation and drainage district; tax levy or collection; commission	1959	370
Personal property, authority to assess	1937	601
Personnel agreements; tax rolls; Dade county	1949	196
Poll taxes, to continue levying	1937	590
Preliminary ad valorem tax roll for purposes of tax equalization	1955	653
Real estate appraisers employed by commissioners under supervision of tax assessors; authorized	1957	862
Records, subject to public inspection	1957	316
Reimbursement		
Expense for postage	1945	258
Sums paid employees of county commissioners working in tax office	1957	2
Service benefiting all counties; payment of expenses	1945	343
Special assessments representing joint interest in homestead	1935	239
Stock bought on margin through brokers with branch offices in state; tax situs	1957	694
Subdivisions, description used in assessing land	1933	139
Tangible personal property	1937	601
Removal from county; duties	1951	311
Time of assessment	1947	232
Tax books, failure to close	1917	223
Tax equalization board		
Hearings, exclusion from illegal; fees in separate bank account	1949	231
Tax roll		
Duty to comply with orders to correct errors	1949	228
Errors that may be corrected by assessor after delivery	1935	242
Homestead exemption erroneously granted; correction	1951	286
Indexing	1951	297
Tax sale certificates, construction of law, duty	1931	251
Timber, misdemeanor to remove or work for turpentine purposes, on lands sold for taxes	1927	432
Unknown, assessing as, when no return made; authority	1927	291

Subject	Year	Page
TAXATION (cont.)		
Assessors (cont.)		
Unused liquor stamps; classified as class "A" intangible personal property	1957	778
Vacancy; method of selecting nominee	1945	177
Valuation of property		
Changed to affect totals	1913	185
Comptroller without authority to change when fixed by	1933	115
Fixing	1917	182
Stock; intangible tax; procedure	1949	252
Veterans' exemption	1931	681
Associated factory mutual fire insurance companies, basis for		
Imposition of gross receipts tax	1959	90
Payment of gross receipts tax	1959	42
Auto transportation companies		
Capital stock tax; exemption	1951	486
Certificated carriers, mileage taxes, report and payment of, on miles traveled within state; requirements	1959	671
Intangible and tangible tax; subject to	1937	600
Mileage tax		
Liability	1937	583
Public toll roads and bridges, application to	1953	412
Auto transportation tax, payment to county when town abolished	1935	121
Automobile trailers		
Manufacturer not exempt	1937	512
Tangible personal property, not exempt as	1937	599
Automobiles; tax law	1911	48
Aviation		
Gasoline, exemption	1941	230
Teaching of by institutions and corporations; tax situs	1953	209
Baldwin drainage district; tax delinquent lands; sale; proceeds; distribution	1949	242
Bank stock taxable when invested in nontaxable bonds	1913	154
Banking corporation, filing tax, requirement	1955	926
Banks		
Assessment required	1925	371
Surplus and undivided profits; subject to tax	1905	38
Trust companies; basis of valuation for taxing	1913	92
Beer; delivery to ships, excise tax	1947	501
Benedict's Institute, Inc., nonprofit organization, tax situs	1959	111
Benevolent institutions, property held in trust; exemption	1957	73
Beverage act; establishment of funds; construction	1937	218
Boarding houses subject to	1923	185
Boats		
Documented; personal property	1951	304
Fishing		
Salt waters; license requirement	1939	493
Used for pleasure; license requirement	1955	225
License tax See: LICENSES AND LICENSE TAXES		
Power to tax; city of Apalachicola	1955	839

Subject	Year	Page
TAXATION (cont.)		
Boats (cont.)		
Registered this state; tax situs	1949	249
	1957	90
Steam vessels; out-of-state corporation engaged in interstate commerce; tax situs	1904	31
Tangible personal property tax	1951	309
Bonds		
Acceptability in payment of taxes	1931	501
	1935	149
Bridge; cannot be used for payment of state or county taxes	1931	328
Interest and sinking funds, payment	1935	129
No levy before sale	1921	307
Out-of-state public housing authorities, issued by; taxability	1957	141
Receivable at par in redemption of lands	1931	713
Special tax school district		
Exemption	1939	458
Funds from sale	1949	292
Homestead exemption	1947	616
Retirement	1949	310
Borrowing money in anticipation of taxes; power of anti-mosquito district	1947	152
Boy Scout property; tax certificate cancellation, exemption status	1949	220
Broadway plan of church financing; tax situs	1957	64
Brokers holding securities required to make intangible personal property tax return	1939	471
Brooms and ax handles; manufacturers of; liability	1919	225
Builders' exchanges, property, etc.; exemption	1957	182
Building and loan associations		
Contracts for deeds	1939	435
		467
Method provided; applicability	1927	192
Building fund limited	1921	154
Building; leased land; health and sanitation; hotel commission jurisdiction	1949	469
Buses or trucks		
Ad valorem tax, constitution prohibits levying	1931	674
Corporation tax, companies not liable	1931	835
License tax, when entitled to refund	1931	383
School bus when for hire, license tag required	1931	386
Businesses and equipment located on grounds of state institutions; liability	1953	286
Capital stock	1943	459
Corporations	1907	110
Exemption	1943	458
Refund	1943	459
Construction of law	1939	517
Catholic church property, exemption	1951	281
Certificates		
Capital stock held in escrow by securities commission	1953	531
Federal savings and loan association to be taxed as class "A"	1939	467
Individually held; limitations	1949	243

Subject	Year	Page
TAXATION (cont.)		
Certificates (cont.)		
Tax, redemption	1927	452
Certificates of title, documentary stamp on	1953	267
Chain store tax		
Additional store during license year	1935	113
Comptroller to collect and disburse	1935	111
Comptroller's power to collect additional tax	1943	228
Credit on licenses	1935	110
Definition of store; second hand car lot	1935	115
	1947	249
Half year license	1935	114
Number of stores; retailer report to comptroller	1949	260
Occupational license statutes not repealed	1935	112
		115
Oil companies operating filling stations, selling tires, tubes, batteries, etc.; applicability	1935	116
Places of sale on consignment; applicability	1935	109
Race track shops	1945	343
Tire and tube dealers	1935	109
Unenforceable taxes; payment; refund	1945	341
Chamber of commerce buildings, etc.; exemption	1957	182
Change of domicile of woman through marriage; effect upon homestead exemption	1947	279
Charitable institutions or organizations		
Exemption	1925	184
	1927	425
	1947	190
Hospital trust; exemption	1957	355
Charter tax required of corporations	1927	154
Chiropractors and naturopaths to pay as physicians	1929	374
Church property		
Administrative purposes; exemption	1947	625
Commercial purposes; exemption	1947	186
Exempt	1909	65
	1929	394
Parsonage, rooms rented, exemption	1951	277
Site, held for future use, tax exemption	1957	179
Undivided interest	1951	276
Vacant lots owned by; when exempt from tax	1957	797
Cigarette tax		
Beverage department; search warrant; issuance	1949	611
Decalcomania revenue stamps; proceedings required when purchased, etc.	1957	435
Distribution made to wrong municipality; procedure to correct error	1957	831
Exemptions; post exchanges; ship service store	1943	223
Funds		
Auditorium; construction; state, municipal purpose	1949	275

Subject	Year	Page
TAXATION (cont.)		
Cigarette tax (cont.)		
Funds (cont.)		
Disposition; state beverage department	1943	236
Maintenance state road to serve as municipal street	1949	278
Supplementing race track funds; transfer; expenditure	1943	184
Use of to eliminate health hazard	1953	296
Gifts to patients in veterans' hospitals	1945	370
Military reserve units, tax liability	1957	31
Municipalities		
Consolidation with county; assessment	1949	276
Improvements; use	1949	275
		277
		278
No bonded indebtedness levy; full amount allowed	1949	276
Vending machines, coin operated; license taxes required	1949	264
Vero Beach, city of; debt service millage reduction	1949	276
Wharf	1949	278
Permit fee, disabled veterans	1945	369
Taxes collected in Dade county outside existing municipalities; payment to county commissioners	1957	368
Citrus		
Commission, separate funds; tax collected on different kinds of fruit	1953	571
Excise taxes; enforcement of collection	1947	232
City property; when exempt	1931	682
Civilian tenants; military reservation; no right of tax collector to enter	1949	231
		246
Class "C" intangible as a single tax	1955	755
Clerk, circuit court		
Tax certificates		
Cancellation of certain; without authority	1904	41
Recording of transfer	1949	239
Collecting agency		
Agent of others; payment; licenses and license taxes; revenue purposes	1949	246
Cancellation, not subject to	1931	1060
County judge shall require bond before issuing license	1929	187
License tax required	1931	699
		770
Requirements	1933	3
Securities dealer, qualifying as	1933	593
Collection		
Certificate not issued, when	1941	182
Discount for payment	1929	417
Enforcement	1927	335
Seizure of property other than that assessed; construction of law	1929	375
Method to be used by tax collector	1929	375
	1939	470

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Collection (cont.)		
Warrant, levy under	1941	182
Collectors	1943	214
Absent voters' law, interpretation	1927	434
Ad valorem taxes against non-resident, delinquent; authority to collect	1949	250
Affidavits before as to registration	1923	273 277
Alcoholic beverage license, transfer license fee	1953	553
Appointment	1909	62
Assessed valuations changed to affect totals	1913	185
Assessments, without authority to change	1909	57
Attachment of property; taxes deemed assessed; duties	1959	31
Automobile expenses; reimbursement	1945	202
Bond	1927	437
Comptroller to use discretion as to type required	1939	75
Extra premium for burglary insurance; payment by county commissioners	1947	128
Method of increasing or decreasing	1931	231
Motor vehicle commissioner authorized to fix amount in handling license tags	1933	240
Official; drainage district; amount	1915	154
Reduction by county commissioners; Santa Rosa county	1937	94
Surety	1933	240
Tag department agent		
Premium, payment	1941	95
Requirements	1941	386
Bondsmen not liable for failure to collect license taxes if due diligence used	1935	249
Candidate		
Office; filing fee	1947	89
Unexpired term; filing fee; amount	1949	126
Certificate of indebtedness receivable in payment		
Delinquent county school taxes	1933	237
School taxes for 1934	1933	238
Checks, liability for negligence in depositing	1927	165
Clerk, circuit court as agent for; instrument, taxes on; compensation	1953	255
Collection of taxes where no certificate issued	1941	182
Compensation	1907	84
	1919	87
	1923	208
	1927	163
	1937	96
		102
	1941	155
		176
		177
		178
		179
	1943	212
		213
		214
		215

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Collectors (cont.)		
Compensation (cont.)	1951	300
Amount	1933	235
Beverage		
Licenses, issuing	1935	250
Taxes	1933	30
Central and southern Florida flood control district	1949	229
Certain cases, not entitled to	1931	263
Certain state tax levies for 1933	1933	229
Collection remitted, entitled to when	1937	97
County-wide school taxes, commissions for collecting to be paid by county commissioners	1933	236
Determination	1939	71
Drainage taxes	1913	198
	1937	95
	1947	200
Duval county	1937	95
Everglades drainage district	1939	339
	1941	180
	1949	229
		232
Excess; distribution	1941	145 146
General school taxes, commissions should be paid from general school fund	1931	1020
Increase; effective date; Franklin county	1947	160
Intangible personal property taxes	1933	234
	1947	199
Payment	1955	14
Method	1923	269
State emergency fund	1945	256
Period of earnings	1949	230
Pleasure boats, certificates of registration; fees in connection with, income of office	1959	211
Property, not entitled to when sold	1933	233
Railroad taxes		
Comptroller, collected by through courts	1935	247
Delinquent; collection by comptroller	1933	233
	1937	99
Refunds	1935	199
Report required	1931	400
School fund, not paid from	1913	178
	1917	451
Special district taxes	1931	711
Special road and bridge district taxes	1935	247
Municipalities' liabilities	1951	498
Special tax school district taxes, entitled to for assessing only when authorized by law	1933	237
Supplementary, following expiration of period specified by law, payment	1955	821
Tangible personal property, delinquent; collection	1947	244
Tax certificates	1931	703
Face amount, sold or re-deemed at less than	1939	75
Sale	1947	201

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Collectors (cont.)		
Compensation (cont.)		
Ten-mill levy provided for general school fund, collection; construction of constitution	1931	347
Uncollected, inures to office after term expires	1931	1045
Valuations less than \$5,000,000.00 by reason of homestead exemptions	1935	240 246
Walton county; right as ex officio supervisor of registration	1949	88
County attorney's fees, liability	1941	183
County funds, deposit	1943	187
Death; special primary election; democratic executive committee; duties; powers	1949	136 137 141
Deposits; pledge of collateral by depository bank to protect	1941	748
Deputy tax collector		
Appointment; authority	1929	291
Compensation	1957	289
Deputy sheriff; acting as, not prohibited	1949	41
Detective agency, application of law, in re collection license tax	1931	1001
Disabled veterans, judge exemptions allowed	1927	448
Duties	1925	362
Murphy act, construction	1939	512
Poll taxes	1925	347
Earnings; period of; earned compensation	1949	230
Election See: ELECTIONS		
Electors, when may register	1927	185 1929 363
Ex officio supervisor of registration; compensation, Walton county	1949	88
Exchange on checks	1943	483
Filing fees to be computed on net income	1939	111
Final reports	1943	213
Five matured bonds, disposition of funds in payment	1931	564
Flood control districts		
Assessment and collection; compensation	1951	295
Compensation; taxing of officials	1949	229
Freeholder, definition	1927	433
Funds		
Deposits of, when liable	1925	377
Disposition of interest credited to balances	1931	547
Emergency; use for collectors' commission	1945	256
Game in the nature of bingo; licensing	1947	590
General election law, corrupt practice act does not apply	1927	437
General school fund, application of law, re collection	1931	1055
Half-year licenses, without authority to issue	1923	291
Hardee county; accounting to city of Wauchula, taxes collected	1949	392

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Collectors (cont.)		
Health tax fund Manatee county to be remitted to county commissioners	1937	99
Identical bids on lands; duties	1947	203
Intangible personal property tax		
All tangible and intangible personal property may be seized and sold to enforce payment	1935	38
Executions; limitations; cancellation; authority	1957	282
Method of collecting	1939	470
Lands		
Certified or sold to state; procedure	1927	189
Sold when taxes have been paid; procedure	1929	291
Levy under warrant	1941	182
License plates, authorized deputies to issue; legality	1955	774
Licenses		
Dye works and steam cleaners	1927	438
Fees for collecting, not entitled to under chapter 15634, acts of 1931	1933	235
Issuance	1941	230
Real estate brokers	1927	434
Wholesale fruit and vegetable business, when required	1931	704
Marriage of woman tax collector; change of name; effect on duties of office	1947	584
Military		
Forces; immigration patrol when subject to personal tax on automobiles	1931	693
Leave of absence, salary	1941	116
Reservation; no right; taxes of civilian tenants	1949	231 246
Morticians, license	1927	434
Motor vehicle licenses		
Agency in adjoining county not authorized	1939	77
Issuance	1941	403
Minimum compensation	1945	494
Office supplies	1949	365
Motorboats, registration certificates for pleasure boats, issuance; authority	1959	277
Municipal corporations authorized to abolish	1931	679
Nomination, vacancy; method of filling	1947	95
Notary public entitled to no additional fee for writing licenses in office of collector	1933	582
Oaths administered; without authority	1904	61
Occupational license tax, duties	1931	920
Office, when to open	1923	209
Palm Beach county water control district, compensation for services in connection with	1959	459
Part taxes, not to accept unless authorized	1921	149
Payment of 1932 taxes on value as shown by 1933 roll, not authorized to accept	1933	145
Peace River valley water conservation and drainage district; tax levy or collection; commission	1959	370

Subject	Year	Page
TAXATION (cont.)		
Collectors (cont.)		
Personal property on government reservations, authority to collect taxes	1923	127
Personal property taxes		
Collection, when may enforce	1925	178
Delinquent; time for advertising lists	1945	329
Persons not registered under regulatory laws; occupational licenses, issuance	1959	371
Physical therapists; license, proof of qualification prior to issuance	1953	287
Poll taxes		
Lists of persons paying, required to make	1925	369
Payment and receipt; construction of law	1929	377
Persons other than one liable, when payment by, not authorized	1927	437
Persons other than person assessed, receiving from; issuing receipts without payment in advance; construction of law	1929	379
Registration of persons paying; authority	1927	324
		404
Postage, furnishing	1917	148
Primary election law		
Registration of electors	1927	435
		436
Violations	1927	436
Primary registration roll, authority to enter names	1923	210
Property; sale of for delinquent tax, prior to date advertised; prohibited	1957	719
Railroad		
Lands in hands of receivers, advertising and selling certificate covering; not in contempt of court	1933	104
Taxes, fees	1937	99
Real estate brokers, license tax	1927	434
Records in office of; destruction before twenty years	1955	751
Refund of taxes erroneously paid, not authorized	1935	249
Report, re fees	1931	400
Sale of land; procedure	1929	291
School funds		
Certain; relieved of responsibility	1925	165
Not paid from	1915	235
State and county taxes, acceptance when Everglades drainage district taxes refused; authority	1939	76
Statement of taxes, not required to give	1921	233
Suit against; collection of license tax	1905	73
Supervisor of registration, serving as; compensation; legality	1949	88
Tangible personal property tax		
All tangible and intangible personal property may be seized and sold to enforce payment	1935	37

Subject	Year	Page
TAXATION (cont.)		
Collectors (cont.)		
Tangible personal property tax (cont.)		
Nonresident; authority to collect	1949	250
Removal from county; duties	1951	311
Tax assessor changing roll	1935	126
Tax certificates		
Commissions for sale	1947	201
Duties; construction of law	1931	251
Personal signature	1931	714
Rubber stamp not permissible; to be signed	1929	294
Time of payment to tax collector of fifteen cents for issuing	1933	234
Tax delinquent lands, readvertisement of, upon death	1935	88
Tax records, sale, to abstract company; violation	1904	41
Tax roll		
Disposition	1947	204
Inspection by any citizen allowed	1937	100
Property cannot be assessed after acceptance	1937	101
Tax sales		
Date to be designated	1931	701
Identical bids, duties when received	1947	203
List, charges for publishing; payment by board of administration	1941	181
Postponement not authorized	1927	193
Taxes		
Civilian tenants; military reservation	1949	231
		246
Payment under protest, not required to accept	1935	251
Vacancy; appointment; elections, term of office	1949	89
Warrant, execution and service	1941	185
Weekly deposits	1919	258
Woman tax collector; effect of marriage upon duties	1947	584
Worthless check, liability	1917	373
College property, when not exempt	1931	685
Collier county	1923	128
Commercial		
Aircraft; taxability	1945	324
Boats outside territorial waters, sales of tangible personal property to; sales and use tax	1953	299
Community chest; welfare purposes; county commissioners; no authority	1949	175
Comptroller		
Cancellation of taxes, order from not required	1935	128
Gas tax, duties re distribution	1939	434
Lands, without authority to release from lien	1937	540
Past assessments, adjustment to conform to court decision, not authorized	1939	475
Tax certificates		
Cancelled; refund of money, required	1937	592
Owned by state; without authority to waive interest	1939	504
Void; refund of money, required	1937	591

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Compulsory tax returns, what constitutes 50% of full cash value of property	1929	207
Conch shells, dealers, required to pay license tax	1939	494
Concrete mixers, large cranes mounted on motor vehicle chassis, tax situs	1955	895
Conditional sales contracts assigned to banks; intangible tax	1947	234
Conner's highway under lease to state	1935	124
Construction placed upon	1927	331
Consular officers and employees when exempt from payment on gasoline	1937	584
Contractor, definition	1939	533
Contracts for deed; intangible tax	1947	235
Cooperative apartment leases; documentary stamp tax	1947	231
Cooperative associations		
Incorporated; assessments, fees and taxes	1951	641
Members; merchandise; purchases; exemptions	1949	222
Cooperative housing project, non-profit; capital stock tax, liability	1957	722
Copyrights, royalties received; tax liability	1957	9
Corporate stock		
Conveyances for issuance; documentary stamp taxes	1957	11
Taxability	1959	691
Treasury stock; subject to tax	1949	247
Unissued stock, etc., tax situs	1957	92
Corporations	1923	85
Charter tax	1935	709
County assessment; delinquent tax levies; transferred lands	1949	20 21
Dissolution		
Conveyances in connection with; liability	1953	273
Documentary stamp tax required	1937	506
Exemptions	1931	671
Capital stock tax	1937	516
Federal bonds; corporate stock; levies; intangible personal property	1949	252
Title, transfer by merger; documentary stamp taxes; not required	1949	254
Cotton in the bale; subject to tax	1905	38
Counties		
Advertising; tax levy	1945	236
Bonds; duties of state treasurer as custodian	1945	98
Budget	1943	208
Courthouse and jail repairs; procedure	1945	251
Fuel tax, municipalities and state government not required to pay	1939	518
Hospital; levy for construction and maintenance	1945	261
County commissioners		
Equalization, authority	1925	305
Error and insolvency list, approval, does not discharge tax	1929	326
Grandstand, without power to expend funds to build; school property	1949	176

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
County commissioners (cont.)		
Millage; may set; levy to pay outstanding indebtedness	1937	583
Public recreational facilities; extension; repair; maintenance	1949	235
Tax		
Equalization board, authority to act as; correction of errors	1949	228
Foreclosed lands, purchase	1947	218
Valuation, change after August meeting; authority	1917	357
County foreclosure property; defective title; improvements; reimbursements	1949	180
County funds, operation from, schools for exceptional children	1951	361
County guards, tax to pay expense	1917	125
County property in another county	1921	145
County roads		
Funds, special tax to reimburse	1921	152
How paid	1925	314
Tax; five mill limitation; city tax share	1949	393
Warrants in payment of all county taxes	1915	141
County tax assessor See: Assessors, this heading		
County tax collector See: Collectors, this heading		
County tax equalization board See: Equalization board, this heading		
County treasurer liable in receiving check of tax collector	1917	373
County voting dry does not cancel outstanding license	1939	499
County warrants; paying tax with	1917	255
Coupon warrants, not acceptable in redemption of land under Futch bill	1933	85
Courthouse; construction	1943	207
Credit unions, state and federal, not subject to intangible personal property tax	1939	479
Cuban consular officials; gasoline tax; no exemption	1949	271
Cured leaf tobacco	1907	110
Dade county home rule charter, assessments and collections under; procedure	1957	544
Dance hall operated in connection with cafe; license tax	1947	266
Debt service; taxability of homesteads	1943	200
Debts secured by mortgages; subject to tax	1905	38
Decedents		
Property removed from state; intangible tax	1947	239
Resident		
Probate in other states; intangible personal property, tax assessment liability	1959	545
Taxation of intangible personal property in hands of foreign executor	1955	353
Declarations of trust to pay	1923	96
Deering estate should be assessed for inheritance of estate tax	1937	535
Defunct banks; liability	1923	124
	1929	209
Delinquent taxes		
Adjustment boards	1935	92
Compromises		100

Subject	Year	Page
TAXATION (cont.)		
Delinquent taxes (cont.)		
Adjustment boards (cont.)		
Injunction	1935	99
Statutes declared unconstitutional	1935	92
Advertising cost, payment upon delivery of description of property to newspaper	1933	110
Cancellation		
Liens on property acquired for aeronautical purposes	1935	86
Outstanding state taxes on lands acquired by trustees I. I. fund; not authorized	1935	95
Capital stock	1937	499
Certificates differentiated	1937	503
Citrus excise taxes; collection	1947	232
Collection		
County's rights to fees set by statute, county commissioners without authority to waive	1939	38
Expense payable from collection of revenue fund	1937	502
License, issuance and enforcement	1957	145
Municipalities consolidated	1951	266
Proceeds from, clerk to distribute to cities and towns; authority	1933	118
Remittance; method	1929	199
Commissions allowed under chapters 17876 and 18296	1937	92
Computation, last assessment valuation basis	1931	466
County and district taxes, payment with bonds; Indian River county	1933	102
County school	1933	237
Credit when items declared unconstitutional levied	1935	89
Cutting and removing stumps by applying purchase price thereof to delinquent taxes, not authorized	1933	103
Deed; date of execution of should be date given in notice of application	1933	119
Everglades drainage district; tax certificates; redemption	1933	106
Extending time of payment	1933	117
Foreclosure		
County commissioners or controller, by	1935	98
Holder of tax certificate; payment of subsequent taxes	1935	90
		102
Forestry department, construction of roads, etc., across tax delinquent lands	1935	546
		547
Futch act		
Bonds received by county for delinquent taxes deposited with state treasurer; return	1935	95
Privileges afforded under, expiration	1937	500
Interest, computation; advertisement	1941	174
Law, application	1931	785

Subject	Year	Page
TAXATION (cont.)		
Delinquent taxes (cont.)		
Lien for taxes continues until paid; tax deed does not extinguish prior certificate	1933	114
List		
Advertisement	1943	208
Cost; payment	1933	110
Errors	1933	132
Legal advertising		
Contract prices to be basis for charge against taxpayer	1933	134
Newspapers must be printed within county to qualify	1933	138
Publication	1931	256
Charges	1931	265
		286
Erroneous listing, no authority to pay claim	1931	297
Head notice, meaning of under §969, C. G. L.	1933	136
Local act to eliminate, invalid	1949	22
Must follow closing of books	1931	698
Newspapers		
Qualification	1913	183
	1935	85
Redesignation; authority	1933	137
Selection by county commissioners; authority	1931	555
	1933	132
	1935	86
Recordation	1904	66
Time	1945	329
Record of and fee of clerk	1933	242
Sale of lands for unpaid taxes, rate for advertising	1933	138
Stuart Daily News, claim, for preparation and publication of delinquent tax list for year 1931 which was not distributed	1933	134
The Beach Press qualified to publish	1931	956
Mineral rights or interest in lands, owner and holder; disposition of tax sale certificate by clerk	1959	119
Omitted property to be assessed	1933	122
Payment with bonds	1931	1009
Delinquent coupons	1931	747
Personal property lists; time of advertisement	1945	329
Property; sale of prior to date advertised, prohibited	1957	719
Readvertisement upon death of tax collector	1935	88
Redemption	1931	278
Adjusted basis; governor without power to extend time	1935	93
Part of taxes represented in tax sale certificate	1933	108
Persons eligible	1945	315
Tax sale certificate with bonds according to last assessed valuation	1933	114
Undivided interest in land from tax sale certificate	1933	111
Use of bonds	1935	90
Reflection on current tax roll	1945	305
		306

Subject	Year	Page
TAXATION (cont.)		
Delinquent taxes (cont.)		
Refunds		
Canceled tax certificates	1935	105
Void tax certificates or tax deeds	1935	104
Removal of buildings		
Property with outstanding tax certificate in name of state; prohibited	1933	103
Restraining, from lands upon which taxes are delinquent	1933	107
Tax certified lands foreclosed by city	1935	89
Sales		
Advertisement	1943	208
Cost of, when taxpayer liable	1929	326
Certificates	1937	503
Date to be designated by tax collector	1931	701
Dismissal of injunction suit	1957	580
Fees for recording	1931	502
Legal holiday	1921	280
Notice	1931	781
Publication	1931	805
Length of time required	1929	224
Method	1931	701
Newspaper	1931	725
Qualifications	1931	833
Omission of property	1943	209
Suits can be maintained to restrain turpentine and mill operations when land sold	1929	227
Surplus proceeds		
Assignment of claim	1947	208
Disposition	1947	208
Surplus property arising from, disposition	1937	499
Settlement authorized by adjustment board, disposition of proceeds	1935	100
Special tax on local health unit payable only in cash	1937	500
Speculating by public officers against public policy	1933	112
State lands acquired by foreclosure of tax certificates under chapter 14572 of 1929 not subject to taxation	1933	120
State prison fund; disposition	1945	762
State treasurer not authorized to apply for tax deed on tax certificates in his name	1935	91
Subdivision plats, filing; clerk's duty	1955	72
Tangible personal property; collection	1947	244
Tax		
Adjustment boards, general and local statutes	1935	84
Collector not in contempt of court by advertising and selling certificate covering railroad lands in hands of receivers	1933	104
Tax certificates		
Cancellation		
Lands acquired by county for other than public purposes; not authorized	1935	84

Subject	Year	Page
TAXATION (cont.)		
Delinquent taxes (cont.)		
Tax certificates (cont.)		
Cancellation (cont.)		
Property acquired by a county for park purposes; authority	1933	117
Refund; authority under \$1009, C. G. L.	1933	116
Court order, effect on sale	1935	686
Forms	1933	112
Omitted taxes; interest should be prorated to funds for which taxes levied	1933	119
Payment of balance	1935	93
Purchase by lessee on adjusted basis with consent of owner	1935	91
Redemption		
Last assessed valuation, based upon	1933	108
Valuation applicable in determining subsequent and omitted taxes	1933	121
Tax deed		
Does not extinguish prior certificate; lien for taxes continues until paid	1933	114
Publication of notice	1935	104
Tax redemption money		
Distribution	1933	119
Unauthorized to clear tax redemption fund with state treasurer	1933	107
Trustees I. I. fund, authority as to lands foreclosed	1935	557
Valuations fixed by tax assessor, comptroller without authority to change	1933	115
Deposit receipt; documentary stamp tax	1947	224
Differential wine tax	1937	240
Disabled persons, certain exemption, eligibility	1955	118
Disabled veterans		
Dealers in sea foods, not exempt	1939	453
Exemptions	1947	177
Ad valorem taxes; effective date of 1957 acts	1957	269
Opticians' fees	1949	268
Outdoor advertising; occupational license tax	1949	262
Disbursement of funds	1927	172
Tax certificates, received from sale	1939	514
Discounts	1909	46
Certain conditions, under	1941	187
Optional with city	1931	672
Payment of taxes	1931	726
Payment of taxes	1933	141
Payment of taxes	1941	186
District tax rolls; prepared outside office; not income of office	1949	196
Dividends of policy-holders	1915	172
Divorced woman; tax exemption for widows	1947	176
Documentary stamp tax See: DOCUMENTARY STAMP TAX		
Documented boats; personal property taxation	1951	304
Dog racing; taxing authority	1945	344
Double taxation, double assessment made on property; right to refund	1959	24

Subject	Year	Page
TAXATION (cont.)		
Dower estate, not exempt from taxation	1933	91
Drafts of manufacturing plans to be used outside state; liability	1953	275
Drainage canal privately owned; ad valorem taxation	1947	175
Drainage certificates; cancellation	1947	216
Drainage districts		
Inclusion of, state and county tax sales certificates; not within purview of Murphy act	1953	352
Tax sales, fixing valuation on land; rights of drainage	1955	563
Taxpayers' discounts	1941	369
Drainage law does not affect	1927	428
Drainage taxes		
Certificate No. 5288, valid lien	1931	776
Collection by tax collectors	1905	87
Fees of collector	1947	200
Foreclosure; effect on Murphy act lands	1945	307
Dredging equipment, situs, taxable	1951	309
Educational institutions		
Exemptions	1929	373
Radio stations operated for profit; exemption	1949	226
Electrical workers' building association, nonprofit; taxability	1959	766
Electricity, sale by trailer park operator; gross receipts tax	1947	248
Eleemosynary corporation		
Nonprofit organizations, tax situs	1959	121
Vacant lots owned by; taxability	1957	873
Elks clubs, property purchased as recreational area and building site; liability	1957	197
Employment agencies; occupational license	1947	253
Englewood water district; taxes, levy and collection of; procedure	1959	734
Entertainment furnished by certain businesses; amusement tax, requirement	1955	665
Equalization		
Assessment, personal property not returned under oath	1915	210
	1947	182
Failure to protest	1915	232
Equalization board		
Tax exemption, etc.; powers and duties	1959	711
Tax roll indexed	1951	297
Eroded lands; ownership, taxation	1947	178
Erroneous land description; correction after sale	1947	179
Escaping taxes for years, assessment	1935	82
Estate and gift taxes See: ESTATE TAXES		
Estates by entireties; not subject to intangible personal property tax	1957	912
Estero, town of; special tax on property	1905	99
Everglades drainage district		
Acceptance, when not proffered	1931	284
Assessments; taxing officials; compensation	1949	229
		232
Compensation of Dade county assessor	1947	158
Fund, disbursement; authority of state treasurer	1937	301
Lands in, subject to	1931	290

Subject	Year	Page
TAXATION (cont.)		
Everglades drainage district (cont.)		
Maintenance tax, payments authorized	1937	302
Superiority of state and county liens	1945	314
Taxes; cancellation	1941	357
Everglades fire control		
Assessments, tax certificates issued for; canceled of record before payment	1955	784
Delinquent taxes; cancellation of certificate	1947	219
Excise taxes		
Alcoholic beverages See: ALCOHOLIC BEVERAGES AND LIQUORS		
Cigarettes		
Exemption	1943	223
Gifts to patients in veterans' hospitals	1945	370
Permit fee, veterans; disabled veterans	1943	230
	1945	369
	1947	232
Citrus; enforcement of collection		
Comptroller; duties of in distribution gas tax	1939	434
Corporations not exempt	1937	514
Documentary stamp See: DOCUMENTARY STAMP TAX		
Electricity, city without authority to make deduction on	1931	894
Federal government not subject to, under liquor law	1937	233
Grapefruit purchased by federal agency not subject, refund legal	1937	509
		510
Gross premium insurance	1943	231
Itinerant rentals; levy	1953	178
Margarine	1935	118
Moonshine whiskey	1945	119
Motor fuels; liability upon purchaser and user	1951	334
Municipal utility service tax; exemption of state	1945	263
Oil and gas production; registration; notice	1945	368
Sales of intoxicating liquors outside of state, when required on	1937	240
Two electric companies liable for only one tax, when	1931	885
Exemptions	1917	353
	1919	288
	1923	256
	1927	459
	1931	687
See also: HOMESTEAD EXEMPTIONS		
Abandonment of homestead; proof	1947	279
		620
Aircraft		
Classification as motor vehicle; validity	1947	277
Personal property	1951	492
Alcoholic beverages delivered to ships; excise tax	1947	501
Allowing or denying, duty of city to authorize assessing and collecting agents; authority	1931	727
American Woodmen; fraternal benefit society	1949	548

Subject	Year	Page
TAXATION (cont.)		
Exemptions (cont.)		
Application	1931	919
Assessors to determine who entitled to	1927	430
Auto transportation companies, capital stock tax	1951	486
Basis of computing taxes	1929	372
Benedict Institute, Inc., nonprofit organization, tax situs	1959	111
Boy Scout property; tax certificate cancellation	1949	220
Brewery not exempt from taxation under §19 of article IX	1933	93
Builders' exchanges, property, etc.	1957	182
Canals and highways	1925	179
Catholic church property	1951	281
Cemetery property owned and operated by nonprofit corporation	1933	96
Certain buildings	1927	424
Certain homestead subject to	1937	523
Certain land	1927	424
Certain property excluded	1931	562
		914
Chamber of commerce buildings, etc.	1957	182
Claims		
Must be filed by April 1	1939	448
Owner of exempt property while tax certificate owned by state	1933	92
Constitution, under	1917	437
Contracts to purchase realty; eligibility for tax exemption	1959	482
Corporations		
Engaged in exempt industries; liability	1937	514
Only those named, allowed	1937	512
Subject, when	1937	516
Corpus of trust estate; income used for tax exempt purpose	1953	212
Dependents	1931	673
Determination by tax assessor	1927	430
Disabled persons	1917	106
	1953	308
		313
Eligibility of certain	1955	118
Filing claim	1945	774
Loss of one eye does not entitle	1931	471
Property	1953	219
Waive right of, when	1927	449
Disabled soldiers, when entitled to	1927	448
Disabled veterans		
Ad valorem taxes; effective date of 1957 acts	1957	269
Billboard outdoor advertising	1949	262
		265
Construction of law	1929	180
Florida grower-seller; occupational licenses	1949	269
Institutions used exclusively for educational purposes	1949	247
Licenses; amounts allowed	1949	264
Property	1949	227
Certain	1957	646
World wars I and II	1949	263
Documentary stamp tax; religious organization; promissory note	1947	230
Dower estate not subject to	1933	91

Subject	Year	Page
TAXATION (cont.)		
Exemptions (cont.)		
Educational institutions		
Business and commercial schools	1945	289
Legacies; intangible personal property	1949	247
Private	1947	191
Radio stations operated for profit	1949	226
Educational purposes, property used for	1929	213
Electrical workers building association, nonprofit, taxability	1959	766
Eleemosynary foundation, nonprofit organization; eligibility	1959	121
Elks clubs, property purchased as recreational area and building site; liability	1957	197
Ex-service men not entitled to unless disabled in war or by misfortune	1933	90
Exempt property, sale after tax day; situs	1957	452
Family head; five hundred dollars	1927	459
Federal taxes, telephone bills; Florida citrus commission	1953	571
Ferry tolls; ministers and clergymen	1935	754
Florida board of forestry lands	1935	547
Florida corporation real property, stock of owned by out-of-state educational institution; exemption	1955	604
Florida education association building	1955	787
Florida inland navigation district, lands not exempt from taxation because easements granted	1933	95
Foreign public housing authorities; bonds, debentures, etc., eligibility	1955	52
Fraternal benefit societies; juvenile scholarship fund	1949	549
Futch act, operation	1945	319
Game refuges, private	1945	509
Gasoline taxes; sheriff's automobile	1947	273
Gasoline trucks operated by Florida forest service	1935	68
Girl Scout council, lands owned and held by, taxability	1959	767
Governmental agencies	1943	234
Head of family	1927	426
Personal property	1953	310
Historical associations, nonprofit	1959	757
Historical sites	1947	198
Holder of unrecorded deed entitled to	1939	448
Homes		
Elderly people; nonprofit institution	1949	223
	1959	693
Order of Moose; for aged persons	1945	277
Retired ministers	1945	276
Homestead exemption See: HOMESTEAD EXEMPTIONS		
Hospitals		
Bond tax; exemption of homesteads	1947	620
Devoted to charitable purposes; housing for personnel; tax situs	1959	591

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Exemptions (cont.)		
Hospitals (cont.)		
Housing used to accommodate personnel	1957	150
Nonprofit corporation	1949	514
Operated by foreign nonprofit corporation, licensed by state	1957	932
Household goods and personal effects, limitation	1955	273
		427
		444
Housing project, life estate	1951	278
Husband and wife living separately may claim	1939	449
Industrial plants	1935	68
	1941	168
	1947	276
Automobile trailers, manufacturer not exempt	1937	512
County commissioners; authority	1945	233
Fiber board factory	1937	521
Hosiery mill	1937	527
Intangible tax	1947	274
Municipality without authority to exempt	1949	207
New industries within state	1951	302
Paint, manufacturer	1931	705
Paper matches, manufacturers not exempt	1933	89
Prior debt service, assessment	1937	529
Ramie fiber production plants	1947	275
Rayon yarns, manufacturer	1933	89
Rope, manufacturers	1931	1064
Shirt factory	1937	532
Shoes, manufacturer	1947	276
Soap manufacturers	1941	168
Sugar manufacturing plant	1933	97
Woven wire screen, manufacturer not exempt	1937	527
Intangible tax		
Banks, credit associations	1945	290
Federal land banks, etc.; stock	1947	242
Municipal revenue certificates	1947	240
Productive credit associations	1945	294
State banks	1945	294
Interest in firm or partnership or their property; principal office out-of-state; situs	1957	180
Jehovah's Witnesses' property	1947	185
Joint ownership; separate homesteads; limitations	1947	617
Labor union property	1945	288
Lands		
Leased to United States	1949	215
Subsequently vested in trustees internal improvement fund, when	1925	163
Vested in state; eligibility	1939	459
Leased property, city of Jacksonville not entitled to	1939	451
Leasehold interest, owner and holder not entitled to	1939	447
Lightner museum of hobbies	1947	190
Little theatre organizations	1955	108
Long term leases	1951	278
Loss of limb	1923	299
Lutheran retirement center, Volusia county; eligibility	1957	720
	1959	48

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Exemptions (cont.)		
Masonic real property and improvements; eligibility	1929	384
	1931	721
		821
	1947	188
		197
Mausoleums, opened to public generally, tax exempt	1959	614
Members of naval militia not exempt	1933	94
Milk vending machines; exemption from license taxes	1959	147
Moody Bible Institute; property	1949	223
Motor vehicle license; nonresident teachers	1947	391
Moving picture industry	1931	1037
Municipalities	1931	905
Property owned		
Futch act, application	1945	274
Public purposes, not used for	1947	184
Wartime airport used for public purposes	1949	214
Public housing authorities; license and building permit fees	1949	474
Utility service tax; state agencies	1945	263
Murphy lands; municipal taxation	1945	270
Mutual ownership corporation; homestead exemption	1947	196
National capital housing authority bonds, tax exemption	1959	445
Navigation districts; rights and interests of federal government	1949	215
		216
Nonresident widows; entitled	1949	217
Nursery school, property held as a site for	1959	649
Officers and enlisted men not entitled, when	1937	530
Oil well equipment	1947	192
Orlando Osteopathic Hospital, Inc.	1949	224
Permanent domicile; resident, etc.; definitions	1949	218
Personal property		
Amount	1929	389
Appraisal to determine	1953	316
Persons entitled to, if lands have vested in state	1939	459
Physically handicapped persons	1951	323
Poll tax See: Poll tax under ELECTIONS		
Preachers' relief fund	1931	398
	1933	89
Property	1927	431
Cemetery, held for future use as	1953	214
Church site, held for future use as, etc.	1957	179
County and municipality, leased by, not subject to	1931	480
County tax assessor; municipal tax assessor; same rules applicable	1949	207
Deeded to college, not exempt	1931	777
Disabled persons and widows	1949	227

Subject	Year	Page
TAXATION (cont.)		
Exemptions (cont.)		
Property (cont.)		
Educational institution, leased by, used solely for educational purposes, not exempt	1933	88
Educational purposes, used for	1929	213
	1959	649
Federal government, leased to	1941	158
Individually owned; used for religious purpose	1951	280
Meeting places, used exclusively for; labor union entitled	1949	219
Parent-teachers association, belonging to, not exempt	1929	372
Purchased with money paid to veterans by United States government, not allowed on	1931	954
Used for public worship but not owned by church organization, not exempt from taxation	1933	87
Quadriplegics, exemption from ad valorem taxes; application of 1959 assessments	1959	166
Race tracks; certain equipment, rental and service fees; sales tax	1951	338
Raw materials used in finished products subject to	1937	531
Real or personal property, applicability; eligibility of widows	1931	374
Real property leased to municipality, used as parking lot; tax situs	1957	561
Religious, charitable, benevolent or educational institutions		
Certain taxes	1945	277
		279
	1947	190
	1949	547
	1955	409
Charitable hospital trusts	1957	355
Church property	1929	394
	1935	56
Administrative purposes, use for	1947	625
Commercial purposes, use for	1947	186
Parsonage, rooms rented	1951	277
Site held for future use	1957	179
Undivided interest	1951	276
Unimproved	1939	460
Claim, failure to file	1953	224
Eleemosynary corporation, vacant lots owned by	1957	873
Promissory notes; documentary stamp tax	1947	230
Religious institutions, privately owned	1941	156
Rental property, not subject to	1937	518
Schools, convents, parsonages, etc., used for religious purposes; municipal utility services	1957	303
Resident		
Definition; permanent domicile, etc.	1949	218

Subject	Year	Page
TAXATION (cont.)		
Exemptions (cont.)		
Resident (cont.)		
Personal property, entitled to five hundred dollars exemption from assessed value	1933	99
Road maintenance tax; exemption of homesteads	1947	620
Road tax	1905	143
Rural electrification cooperatives not entitled to	1939	458
Salvation army property	1947	187
Securities listed on recognized stock exchange	1947	480
Small loan company not exempt from tax	1933	97
Special assessments for benefits, exemption from taxation under proposed amendment to constitution, §7, article X, not applicable to	1933	91
Special tax district; local acts; effect on gross receipts tax	1955	555
St. Augustine airport; Fairchild Engine and Airplane Corporation lands leased to	1959	562
		653
State lands	1941	158
State prison farm lands	1947	182
State property; island navigation district taxes	1949	345
Steel vessels, manufacturer	1937	532
Substituted mortgages to secure same indebtedness; intangible personal property tax; exemption	1959	485
Sun Dial school; nonprofit corporation; eligibility	1957	827
Swimming pools, other recreational facilities within subdivision	1957	166
Tax lien on property for 1931, which property was exempt in 1932 and subsequent years	1933	94
Toll road, privately owned, leased by state road department; assessment	1933	87
Tourist park, city-owned property utilized as; tax liability	1957	925
Trust fund; charitable purposes; personal property; taxation	1949	218
United States real estate mortgage form FHA-967.8	1955	646
United States territorial bonds, from state and local taxes	1959	41
War veterans	1927	456
Constitutional	1941	160
Construction of constitution, in re	1931	356
Disabled persons and dependents	1931	673
Water mains, municipally owned	1941	151
Westcott property in Leon county; entitled	1949	219
Widows	1907	44
	1923	256
	1925	370
	1953	313
Certificates canceled; property	1949	239
Constitutional exemptions	1941	159
		160

Subject	Year	Page
TAXATION (cont.)		
Exemptions (cont.)		
Widows (cont.)		
Divorced women, not defined as	1947	176
Filing claim	1945	774
Head of family, eligible for certain exemption as	1933	91
		99
Nonresidents	1945	289
Property	1929	312
	1933	100
	1949	227
	1953	219
Owned in county other than that of residence	1939	450
Real property	1941	159
Remarried and subsequently divorced; eligibility	1931	679
	1957	576
Waive right, when	1927	449
Wife		
Alien; deceased husband naturalized; eligibility	1937	524
Living apart from husband	1951	346
World war veterans	1931	667
		676
Express carried by boats, payment gross receipts tax	1933	14
Fairchild Engine and Airplane Corporation; out-of-state; accounts receivable, tax situs	1957	828
Farm trailers; liability	1945	775
Federal		
Banks; exemption of stock from intangible tax	1947	242
Excise tax; purchase school buses; resale to contractors	1949	299
Funds for vocational training of defense workers, exemption	1941	232
Intermediate credit banks, stock issued by; intangible property tax payment; liability	1959	629
Withholding tax; municipalities; employees subject to	1949	19
Federal and state		
Credit unions not subject to intangible personal property tax	1939	479
Estate and death tax, payment; application of 1957 amendment	1957	337
Federal savings and loan associations		
Deposits, assessment	1955	44
Intangible personal property tax; liability	1939	468
Stock	1935	119
Fernandina port authority; licenses; toll bridges	1949	270
Fire and tornado insurance companies; municipal excise tax	1947	247
Fish and game club open to public; payment of caretaker's salary by tax funds, illegal	1949	170
Fish dealers subject to	1923	264
Flood control district; assessment; taxing officials; compensation	1949	229
Florida corporate stock, incorporation in foreign state; transfer tax, liability	1955	43
Florida corporation real property, stock of, owned by out-of-state educational institution; exemption	1955	604

Subject	Year	Page
TAXATION (cont.)		
Florida education association building, exemption	1955	787
Florida inland navigation district Assessments as charges on Murphy act lands; validity	1935	119
	1953	215
Florida state university housing association, inc., ad valorem taxes liability	1957	33
Foreclosures		
Certificates becoming twenty years old after vesting of title in county	1947	213
County	1943	200
		218
Sale of lands	1945	292
		312
		320
Municipal and individual liens; preservation	1947	180
Municipal tax lien holders, rights	1945	268
Redemption, time; costs of suit	1945	320
Tax certificates	1933	120
Proceeds, disposition	1935	119
Tax liens held by county; soldiers; sailors; procedure	1943	218
Title, time at which vests in county	1947	210
Foreign corporation		
Accounts receivable; tax situs	1953	258
Intangible tax	1947	175
Liability	1927	155
Permit canceled	1935	120
Former state levy, proceeds; use by board of health	1947	412
Franchises, authority to tax	1917	368
Fraternal institutions, property held in trust; exemption	1957	73
Fraternity houses; exemptions	1943	195
Fraternity property, liability	1925	158
Futch act		
Bonds		
Cancellation	1935	49
Collateral security for R. F. C. loan	1935	49
Municipal property, application	1945	274
Principal and interest, payment	1935	50
Privileges afforded under; expiration	1937	500
Tax certificates		
Cancellation, fees of clerk	1947	199
Redemption, extension of period for; effect of Futch law with regard to Murphy law	1939	505
Tax roll, effect of omitting lands from; tax sale certificates, cancellation authorized	1957	635
Gamecock farms; license fee	1953	285
Gas and oil, lands and equipment; for search or production of; tax situs	1959	112
Gas districts, special, tax exemption provisions in certain local acts; effect on gross receipts tax	1955	555
Gas tax fund; race track fund; county budget	1949	394
Gasoline league required to pay	1925	168
Gasoline tax See: GASOLINE		
Gifts of beer by brewery; tax deduction	1945	635
Girl Scout council, lands owned and held by; taxability	1959	767

Subject	Year	Page
TAXATION (cont.)		
Government reservations	1923	127
Grapefruit purchased by federal agency not subject to excise tax, refund legal	1937	509 510
Grapho Analyst; handwriting analysis; liability	1953	282
Gross receipts tax	1933	19
	1943	231 232
Annuity contracts; deductions from receipts upon cancellation	1947	245 246
Basis for imposition upon associated factory mutual fire insurance companies	1959	90
Boats carrying express required to pay	1933	14
Computation; credits; due date	1945	347 697
Deduction		
Cash surrender values	1941	217
Direct payment, ten per cent of premium	1941	218
Dividends applied in reduction of premiums	1941	217
Florida business, credit for; life policies	1945	352
Fraternal benefit societies; exemption	1945	358
Indemnity contracts	1943	232
Interpretation	1941	221
Marine hull insurance policies, required	1937	159
Payment		
Associated factory mutual fire insurance companies, by; basis	1959	42
Under protest, by check	1945	341
Pre-existing laws, effect of chapter 22671	1945	681
Premiums received from policy holders in Florida; liability	1933	19
Refund, claim	1941	221
Reinsurance, liability	1927	207
Special gas districts, tax exemption provision in certain local acts; effect	1955	555
Hardship law		
County commissioners, discretionary powers	1945	315
Heirs of former owner; rights	1947	209
Repurchase of property	1945	311 316
Revival of liens	1945	317
Time at which title vests in county	1947	210
Hawaii highway revenue bonds; intangible personal property tax against holders of	1957	9
Head of family		
Exemption	1923	129
Personal property; exemption	1953	310
Health unit, local, special tax payable in cash when delinquent	1937	500
Highway patrol stations, ad valorem tax, liability	1953	407
Historical associations, nonprofit; exemption	1959	757
Historical sites; exemption	1947	198
Home for aged		
Exemption	1945	277

Subject	Year	Page
TAXATION (cont.)		
Home for aged (cont.)		
Nonprofit corporation, tax exemption	1959	693
Home rule charter, Dade county; tax assessments and collections; procedure	1957	544
Homestead exemption See: HOMESTEAD EXEMPTIONS		
Homesteads, hospitals and hospital districts, support of by tax levy against; prohibited	1957	365
Hospital bond tax; exemption of homesteads	1947	620
Hospitals		
Devoted to charitable purposes; housing for personnel; tax situs	1959	591
Hospital districts, support by tax levy against homesteads; prohibited	1957	365
Housing used to accommodate personnel, tax exempt	1957	150
Operated by foreign nonprofit corporation, licensed by state; tax exemptions	1957	932
Hotels		
Additional license tax required	1939	486
Occupational tax required in addition to tax imposed by hotel commission	1939	488
House trailers; liability	1945	775
Household goods and personal effects, exemption		
Certain properties	1955	273
Limited to householder only	1955	427
Houses; construction by individuals; government owned and leased	1949	231
Housing authorities		
Foreign public, bonds, debentures, etc., eligibility for exemption	1955	52
Property exemption	1941	550
Housing cooperatives, members; homestead exemption	1951	348
Housing project		
Documents in connection with financing; tax situs	1957	653
Life estate, tax liability	1951	278
Retired employees; homestead exemption	1949	286
Identical bids on lands; duties of tax collectors	1947	203
Imports not subject to personal property tax	1937	600
Income from property; intangible tax	1947	244
Increased millages passed during 1957 session, applicable to 1957 tax year	1957	218
Indemnity bonds, limitations on amount of total liability guaranteed by a surety company	1957	158
Indian River county; payment of certain taxes with bonds	1933	102
Indian River farms drainage district, Murphy act lands, assessment; state liability	1951	448
Inheritance tax; construction of law as to	1939	461
Insane persons, exemption	1941	156
Insurance		
Adjusters subject to	1923	132

Subject	Year	Page
TAXATION (cont.)		
Insurance (cont.)		
Company dealing in intangible property; liability for occupational license	1947	257
Contracts; gross premium tax	1943	232
Domestic insurers		
Municipalities; authority	1949	210
Premium receipts credit	1949	268
Fire, tornado; premium receipts tax, exempted; refunds	1951	268
Foreign insurers		
Premium receipts credit	1949	268
Regional home office; exemptions	1953	585
Gross receipts tax, basis for payment by associated factory mutual fire insurance companies	1959	42
Policy loans subject to intangible personal property	1939	478
Premiums, return	1929	239
Rate-maker	1907	141
Insurer; municipal occupational license tax	1947	258
Intangible personal property		
Accounts receivable	1949	248
Contracts; subject to assessment	1957	807
Foreign corporation, owned by	1947	236
Tax situs	1953	253
Valuation; method of assessment	1949	248
Administrators		
Executors	1933	57
Returns, duty to make	1941	202
		203
Agricultural cooperative marketing associations, accounts receivable, taxability	1953	254
Aliens, subject to tax if homestead exemption claimed	1941	202
Annuities	1933	59
	1947	237
		238
Definition	1945	327
Assessment	1925	185
	1931	681
Bank stock	1933	54
Basis for	1933	58
Commercial paper on automobiles assigned to bank	1933	51
Commissions allowed for	1931	691
Holdings outside state	1937	543
Invalid	1937	540
Municipalities; constitution prohibits	1931	683
Promissory notes in hands of trustee and bonds in hands of purchaser; issued by trustee and secured by promissory notes	1933	51
Returns	1935	39
Valuation, basis	1945	325
Assessor		
Certification of erroneous assessment	1937	543
Commission for assessing allowed	1933	225
Duties	1933	60
Assets		
Closed banks, not subject to	1931	911
Employees' pension plan	1945	325
Bank deposits	1933	55

Subject	Year	Page
TAXATION (cont.)		
Intangible personal property (cont.)		
Bank deposits (cont.)		
Within class C	1931	884
Bank stock; no deduction in arriving at value	1933	54
Banks, application of law	1931	884
		908
Bequeathed property held by personal representative	1949	247
Bonds		
Canadian government and owned by resident of Florida, subject to tax	1933	52
Certain, not subject to	1931	888
Secured by mortgage	1949	255
Tax return by custodian	1945	332
Under class A	1933	55
United States territory; exempt from state tax	1959	41
Broadway plan of church financing; taxability	1957	64
Brokers holding securities required to make return	1939	471
Building and loan associations; liability	1931	901
	1939	467
	1937	546
Certain trust estates tax, refund		
Certificates		
Capital stock held in escrow by securities commission, tax situs	1953	531
Federal savings and loan associations to be taxed as class A	1939	467
Class B	1933	55
Class C	1933	56
Intangible tax as a single tax	1955	755
Classification	1931	675
		680
Collateral	1933	59
Commission		
Assessing, allowed	1931	689
		691
Tax assessors and collectors	1947	199
Tax collector for collecting, allowed	1933	234
Comptroller		
Land, without authority to release from lien	1937	540
Past assessments, without authority to adjust in conformity with court decision	1939	475
Conditional sales	1935	39
Contracts assigned to banks	1947	234
Construction of law	1931	684
		685
		901
		918
Contracts for sale and conveyance; classification	1947	235
Copyrights; assessable	1957	9
Corporations		
Federal bonds; corporate stock; taxes levied upon	1949	252
Returns, must be made at principal place of business	1933	57
Stock and shares	1933	56
		58
Corpus of trust estate; tax situs	1953	212
Deceased person; assessment against property owned	1933	59
Deceased resident of state, foreign executor, tax liability	1955	353

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Intangible personal property (cont.)		
Decedent's property removed from state by sole heir or devisee	1947	239
Deeds, trustees of internal improvement fund free of former lien held by state	1941	203
Deferred payment obligations, assignments to nonresident banks; tax situs	1951	312
Definition	1941	206
Disposition by state treasurer	1941	206
Distinction between intangibles of bank and shares of stock issued by bank	1933	53
Distribution of money	1943	221
Documentary stamps	1949	254
Promissory notes; mortgages	1949	258
Endowment and annuity insurance policies	1941	204
Estates		
By the entireties; taxability	1957	912
Decedent		
Situs; nonresident administrator	1945	295
Taxable in Florida; located in other state	1949	248
Foreign executors, tax liability	1955	353
Personal property, distribution; tax situs	1959	532
Executions; limitations; cancellation	1957	282
Exemptions		
Banks, credit associations	1945	290
Certain trusts	1937	537
Educational institutions	1949	247
Federal land banks, etc.; stock	1947	242
Industrial plants	1947	274
Municipal revenue certificates	1947	240
Productive credit associations	1945	294
State banks	1945	294
Federal building and loan associations, property and stock	1935	36
Federal savings and loan associations; liability	1939	468
Foreclosure suit, effect	1941	204
Foreign corporations	1933	57
Assets acquired through agencies in Florida	1947	175
Offices located in counties other than principal place of business; tax situs	1953	260
Funds in trust for the use and benefit of retirement for officers and employees of private industry; exemption	1957	64
Hawaii highway revenue bonds, tax liability against holders	1957	9
Information from banks for stock assessments	1933	54
Installment notes	1933	56
Instruments; clerk, circuit court as agent for tax collector	1953	255
Insurance		
Foreign companies	1933	59
Policies; fire, life	1933	59
Loans subject to	1939	478
Inter-American trade center, bonds or other securities, issued by; tax situs	1955	368

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Intangible personal property (cont.)		
International bank for reconstruction and development, bonds of; taxability	1959	524
Joint adventures		
Interest in; liability	1959	497
Similar to partnership; taxability	1957	912
Lease		
Agreements	1941	207
Long term; subordination of fee to mortgage lease; tax situs	1955	953
	1957	550
Tangible personal property; tax situs	1957	233
Leasehold interests		
Note securing mortgage	1947	243
Taxability	1957	841
Legacies to colleges; exemption	1949	247
Legal residence, married women; construction	1941	208
Liens		
Enforcement against married women	1941	208
Real property; priority	1945	333
Statute of limitations; cancellation	1953	250
Life insurance		
Monthly installments; tax liability	1951	306
Policies, cash surrender value	1939	476
Loans made by federal farm board exempt	1931	922
Location	1933	59
Long term lease of lands, taxability	1959	525
Manufacturing corporation		
Accounts receivable	1949	249
Subsidiary	1943	222
Married women, enforcement of lien against	1941	208
Mortgages		
Encumbering real property, contingent liabilities; sureties; tax situs	1957	213
Held for foreign insurance companies not assessable	1931	911
Monthly installments under contract	1953	257
Notes not held by trustee under mortgage	1935	36
Promissory notes; production credit association, farmers' home corporation, or federal land bank	1949	254
Record owners taxable notwithstanding subsequent transfer	1941	209
Secured by real estate outside state; classification	1945	331
United States	1947	243
Municipal		
Notes or bonds secured by municipal mortgage; tax situs	1953	251
Revenue certificates; exemption	1947	240
Municipality, county or state; accounts receivable; note	1949	249
Mutual account; balance taxable	1945	296
National banks		
Assessment of	1933	53
Stock	1933	54

Subject	Year	Page
TAXATION (cont.)		
Intangible personal property (cont.)		
National capital housing authority bonds, tax exemption	1959	445
Nonresident		
Business, estate tax; taxability	1951	295
Corporation; business situs	1949	220
Decedent not taxable under 1933 act	1939	466
Liability	1943	222
Partnership; interest of resident partner	1947	526
Taxability	1943	222
Nonresident, state, located in; taxable in Florida	1949	248
Notes and bonds		
Liability	1931	1063
Secured by lien on real estate or personal property	1933	59
Oath with return	1933	60
Obligations insured by federal housing administration and home owners' loan corporation, mortgages or bonds subject to	1937	541
Oil and gas leases	1945	326
Omitted items, back assessments	1933	58
Out-of-state property, income from; taxability	1947	244
Partnership interest		
Liability	1947	526
Taxability	1957	912
Patent royalties; liability	1947	241
Power of appointment	1943	458
Production credit association, notes sold; tax assessment	1955	485
Promissory notes	1949	254
Secured by express lien in deed; liability	1953	252
Property		
Alien located in state subject to	1939	472
Bequeathed and in hands of personal representative	1949	247
National banks, authority of state to tax	1939	477
Nonresident decedent not taxable under 1933 act	1939	466
Seizure and sale	1935	37
		38
Racing or fronton permits; whether within purview of chapter 199, F. S.	1959	319
Railroads; assessment, back assessment	1947	220
Record owners of mortgages taxable notwithstanding subsequent transfer	1941	209
Refund, applications for; time	1945	322
Religious, charitable, benevolent or educational institutions; exemption	1955	409
Repeal of §907, compiled general laws of Florida, 1927	1933	58
Resident and nonresident trustees, held by; tax situs	1953	262
Returns	1931	897
Ancillary administrator	1941	203
Corporation must make	1933	56
Executors or administrators	1941	202
Necessary	1931	926
Oath	1933	60
	1945	330

Subject	Year	Page
TAXATION (cont.)		
Intangible personal property (cont.)		
Ringling estate not subject to; former assessments against Ringling should not be canceled	1937	541
Rule for bonds	1933	55
Securities, bonds, mortgages, stocks; application of law	1931	680
Shares of stock	1933	57
Short sales of stock; taxability	1957	837
State banks		
Assessment	1933	53
Stock	1933	53
Stocks		
Bonds, mortgages, notes, etc., assessment	1933	56
Bought on margin through brokers with branch offices in state; tax situs	1957	694
Corporation, owned by one person	1933	58
Federal intermediate credit banks, issued by; liability	1959	629
Incorporated or unincorporated; subject to taxation	1949	247
Mortgages liable	1931	946
Owned by nonresident	1945	306
Substituted mortgages to secure same indebtedness; intangible personal property tax; exemption	1959	485
Suit to collect, state may be party to	1939	474
Tax certificates not taxable	1931	689
Terminal annuities subject to	1939	471
Trustees	1933	58
Trusts		
Funds, charitable purposes; exemption	1949	218
Held outside state, interpretation of law	1937	543
One of trustees nonresident; taxability	1939	480
Status of estates	1931	898
Valuation of property; taxability	1945	331
United States territorial bonds exempt from state tax	1959	41
United States treasury certificates of indebtedness, exemption	1953	262
Values of stock, bonds, mortgages, notes, leases, etc.	1933	56
Winter residents	1933	56
Interest in firm or partnership or their property; principal office out-of-state; situs	1957	180
Interest on taxes; prorated to funds for which taxes levied	1933	119
Interest rate		
Subsequent and omitted county taxes	1953	234
Tax certificates	1953	227
Same sold to individual as to county	1953	240
Internal improvement agent; recovery of cost for advertising, etc., for certificate later found void	1957	577
International bank for reconstruction and development, bonds of; intangible personal property tax situs	1959	524
International carpenters union building; tax situs	1957	765

Subject	Year	Page
TAXATION (cont.)		
Invalid assessment	1937	540
Itinerant		
Photographers required to have license	1939	485
Vendors' license tax	1909	47
Jails, levy for construction	1927	291
Jehovah's Witnesses' property; exemption	1947	185
Joint adventures		
Interest in; tax situs	1959	497
Similar to partnership; not subject to intangible personal property tax	1957	912
Joint interest in homestead, assessment	1935	239
Keystone Christian foundation; non-profit corporation, tax exemption	1957	339
Labor unions, property		
Exemption	1945	288
Used as meeting places; exempt	1949	219
Lake bottoms; ownership	1947	178
Lake Conway water and navigation control district, beginning of tax assessments under 1957 law	1957	217
Lake Worth drainage	1925	348
Land and seagoing trailers; motor vehicle license, requirement	1957	93
Lands		
Baldwin drainage district; county settlement	1949	346
County; readvertising and reselling	1947	203
Federal government		
Leased by owner	1949	215
Leased from; houses constructed by individuals	1949	231
Game and fresh water fish commission		
Assessment by counties, invalid	1949	400
Within drainage districts	1949	345
Purchased by counties; cancellation of taxes	1949	226
Removed from city; bond debt	1949	289
Sales; municipal taxes; county foreclosure	1949	240
Subdivided according to unrecorded plat; assessment	1947	131
Tax foreclosed		
Fees of clerks	1947	26
Municipal and individual liens; preservation	1947	180
Purchase by county commissioner; legality	1947	218
Readvertising and reselling	1947	203
Repurchase under hardship law	1947	209
Sale		
Description	1945	309
Distribution of proceeds	1945	322
Erroneous; reimbursement	1945	235
Method of conveyance	1945	317
Procedure and time	1945	292
Reopening bidding	1945	310
Withdrawal from	1945	309
Title		
Covered by overlooked tax certificates; duties of clerks circuit court	1939	510

Subject	Year	Page
TAXATION (cont.)		
Lands (cont.)		
Title (cont.)		
Property has not reverted to state, when; construction of law	1939	508
Vested in county; sale	1943	220
Transferred from county to county	1949	20
Undivided interest		
Assessment	1955	158
Tax certificate, redemption of	1933	111
United States lands not subject to taxation; erroneous assessment	1905	39
Used for agricultural purposes, tax assessments	1957	361
Last assessment valuation basis for computation when delinquent	1931	466
Leased motor vehicle tires; taxability	1945	334
Leased property, city of Jacksonville not exempt	1939	451
Leasehold interests		
Intangible personal property; taxability	1957	841
Lands; assessment	1953	244
Owner and holder not entitled to homestead exemption	1939	447
Real property of state, county, etc.; tax situs	1957	546
Legal residence	1943	222
Levy		
County publicity or advertising; power of commissioners	1945	242
Limitation; agriculture and livestock fund	1951	297
Rights of way, three mills for purchasing; county roads	1939	525
Liability		
Constitutionally exempt homestead and personalty for beverage tax	1939	521
Corporations engaged in industries exempt	1937	514
License inspectors, power of county commissioners to employ	1947	251
Licenses See: LICENSES AND LICENSE TAXES		
Liens		
Clearing property	1931	837
Continue until taxes paid; tax deed does not extinguish prior certificate	1933	114
Everglades drainage district	1943	196
Hillsborough county; effect of law	1939	424
Municipal and individual; effect of county foreclosure	1947	180
Property, for 1931 taxes; exempt in 1932 and subsequent years	1933	94
Purchaser must settle before deed issued	1931	825
Real property; priorities	1945	333
Reversion to state in absence of certificate	1945	291
State lands under contract of sale; enforcement	1947	364
Superiority of state and county liens	1945	314
Tangible personal property	1955	62
Uncertificated lands; lien foreclosure	1945	293

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Liens (cont.)		
Unpaid debt-service tax when operating tax paid	1935	118
Life estate purchases	1949	286
Lightner museum of hobbies; exemption	1947	190
Liquefied petroleum gas Dealers	1949	260
Chain store tax	1947	250
License requirement	1959	51
Used by city; tax situs	1957	784
Liquors and beverages See: ALCOHOLIC BEVERAGES AND LIQUORS		
Little theatre organizations, exemption	1955	108
Local laws re assessment and collection; legislature without authority to pass	1939	516
Local officers, duty to see tax laws enforced	1917	251
Lodges	1921	291
Long term in real property; subordination of fee to mortgage lease; tax situs	1957	550
Lubricating oils and gasoline, stock in trade; taxability as to valuation	1959	180
Lunatics, exempt	1923	123
Lutheran retirement center; ad valorem tax exemption; eligibility	1957	720
	1959	48
Machinery and equipment of non-residents used in state; liability	1957	156
Manual labor; disabled veterans; world wars I and II; entitled exemption	1949	263
Manufacturers See: Industrial plants under Exemptions, this heading		
Masonic real property and improvements		
Home; exemption	1929	384
	1931	721
Lodge building, when exempt	1931	821
Temple; exemption of portion used for commercial purposes	1947	188
		197
Mausoleums, opened to public generally, tax exempt	1959	614
Members of the armed forces; house trailers	1951	469
Mileage tax act		
Computing and collecting, construction motor transportation	1931	248
Court's opinion, construction	1931	309
Enforcement, comptroller authorized to appoint agents	1931	287
Motor highway carriers; railroad commission proper party to enforce	1931	279
Motor transportation division may expend necessary funds for proper administration of law	1931	273
Municipalities, construction re distribution	1931	302
Travel bureaus, construction	1931	294
Trucking companies, tax due	1931	309
Trucks and buses; application	1931	292
Trust companies, amount assessable against certain	1931	309

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Military reservations		
Recreational facilities; municipal license tax; authority	1955	549
Tangible personal property, tax situs on	1957	34
		42
Millage levy		
Advertising of county; no authority	1945	236
Agriculture and livestock fund, authority	1951	297
Increase passed by 1957 session, applicable to 1957 tax year	1957	218
Special tax school district; trustees; Hillsborough county	1949	312
Time for county commissioners and school board to furnish requirements to assessor	1947	204
Mineral, oil and other sub-surface rights, separate assessments; effect of invalidation	1959	539
Mineral rights, subject of	1913	155
Miniature automobile racing; license tax	1947	268
Mixtures of motor fuel and lubricants, used in operation of certain engines, taxability	1959	698
Mortgages		
See also: Intangible personal property, this heading		
Assignment; documentary stamp tax on assignment of proceeds	1947	230
Basis	1913	149
Bonds; secured by mortgages; documentary stamp tax required	1949	255
Extension agreement; taxability	1941	209
Intangible tax	1947	243
Substituted mortgages to secure same indebtedness; intangible personal property tax; exemption	1959	485
Motion picture		
Exhibitions; bars and hotels	1949	267
Studios and plants, exemption	1935	59
Motor boats not exempt	1939	516
Motor fuels		
Distributors, qualifications; license cancellation	1951	331
Excise tax; liability upon purchaser and user	1951	334
Motor vehicles See: MOTOR VEHICLES		
Municipalities	1943	200
Airport, use for public purposes; exemption	1949	214
Assessment	1925	371
Automobiles	1931	724
Intangible personal property	1931	683
Railroads	1931	799
Assessment rolls; St. Petersburg beach, millage deadline	1949	244
Auto transportation company, right to tax	1929	414
Beverages, power to levy tax	1943	443
Bonds, not authorized to accept own in payment	1931	815
Certification of valuations and millages, time required	1955	852
Chain stores, may impose twenty-five per cent of state tax upon	1931	722
Collectors	1931	729

Subject	Year	Page
TAXATION (cont.)		
Municipalities (cont.)		
Consolidation		
Back assessments, resulting municipality entitled to	1951	266
Delinquent tax, collection; duty transferred to resulting	1951	266
Delinquent taxes; sale of lands; disposition of proceeds	1947	207
Discount on payment of taxes optional	1931	726
Electric plants and distribution systems not subject to ad valorem taxes	1939	431
Excise tax on electricity, not authorized to make deductions	1931	894
Exemptions	1931	727 905
Fish		
Industry, prohibited from levying tax on	1931	390
License tax, legality	1927	440
Gases used for heating, cooking, etc.; power of city to tax	1955	856
Housing projects; effect of leases to council for blind	1955	697
Industrial plants; no authority to exempt	1949	207
Land sales; county tax foreclosure; distribution of proceeds	1949	240
Lands owned by; conveyance; construction of building; leased to federal government; tax situs	1959	88
Liens		
Preservation in county tax foreclosures	1947	180
Rights of holders	1945	268
Manufacturers	1931	836
Motor transportation company	1931	726
Motor vehicles	1931	904
Murphy act lands held by state, no power to tax	1949	213
Notes or bonds secured by municipal mortgage; tax situs	1953	251
Oxygen, acetylene welding gas, carbon dioxide and similar gases; power to tax	1955	856
Poll tax as prerequisite to vote, without authority to impose	1939	501
Property		
Contract to sell and convey; tax situs	1957	580
Electric plants and distribution systems, not subject to ad valorem taxes	1939	431
Exemptions	1931	469 672 184
Lease		
Courthouse site; exemption	1935	70
Liability	1951	284
Public use, exempt when intended for	1929	217
School; special assessments not allowed	1951	431
Utilities plant, public, out of county; tax situs	1949	222
Railroads and telegraph lines	1947	220
Real property		
City of Treasure Island; assessment	1955	138

Subject	Year	Page
TAXATION (cont.)		
Municipalities (cont.)		
Real property (cont.)		
Failure to sell land for taxes and issue certificate; collection of assessed tax	1959	178
Not used for public purpose; county tax, liability	1959	178
Under lease agreement with airplane corporation, tax situs	1959	562
Redemption of tax liens and tax certificates on installment	1931	721
Retail fish tax, if authorized	1929	386
Road and bridge tax, city entitled to one-half	1909 1931	75 477 508
Sale of lands for delinquent taxes; disposition of proceeds	1947	209
School lots not used for school purposes; liability	1935	438
Special assessments, school property; not allowed	1951	431
Special benefit taxes, plumbing; regulations	1931	737
Special road and bridge tax		
Collection cost; liability	1951	498
Liability of county budget	1949	394
Money received from	1931	729
Stores, may levy twenty-five per cent of state license tax on	1931	961
Tax certificates		
Assigned to municipal corporation; enforcement or recovery	1955	746
Bonds, class to be accepted	1931	395
Cancellation	1951	305
Foreclosure; bill in chancery proper procedure for	1931	832
Issued in erroneous amount; right of purchaser to recover interest	1959	80
Limitation of liens	1951	290
Recording, fee of clerk of circuit court	1937	44
Tax deeds		
Delinquent, unpaid taxes, payment as condition for obtaining	1953	237
Sales; special benefit assessments; cancellation of liens, etc.	1953	235
Special assessment, payment as condition for obtaining	1953	226
Tax liens		
County tax foreclosure; effect	1947	180
Rights of holders	1945	268
Tax sales; publication	1931	805
Tax share; county roads; limitation; Manatee county	1949	393
Utilities		
American Red Cross; exemption	1957	125
Excise tax; churches; exemption	1955	73
Service tax; exemption of state	1945	263
Valuations and millages, certification; time required	1955	852
Workmen's compensation act, liability under	1937	335
Muscular development and corrective exercises; license	1947	262
Mutual ownership corporation; exemption	1947	196

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Napoleon B. Broward drainage district, reduction of millage	1941	174
National banks	1927	175
		447
Property, authority of state to tax	1939	477
Tangible personal property tax; exemption	1939	502
National guard sponsored entertainment, etc.; license tax	1947	356
		357
New municipality created from territory of abolished municipalities and other territory, taxation by	1957	270
No person prevented	1923	209
Nonprofit		
Hospital corporation; use of property, criterion for exemption	1949	514
Institution; home for elderly people; exempt	1949	223
Nonresident		
Construction machinery and equipment used in state, tax liability	1957	156
Corporation; business situs; intangibles	1949	220
Nonresidents under agreement to obtain benefit of law must themselves operate motor vehicles	1939	493
Note secured by mortgage to reconstruction finance corporation; excise tax	1947	228
Nurseries		
Exhibitions, amusements, etc., maintain within area; separate license requirement	1959	594
Stock; classification	1945	297
Nursery school, property held as a site for; tax exempt	1959	649
Obligations insured by federal housing administration and home owners loan corporation, mortgages or bonds subject to intangible personal property tax	1937	541
Occupational licenses See: LICENSES AND LICENSE TAXES		
Ocean shore improvement district; tax funds	1931	715
Oil		
Interest; recording; clerk's fee	1945	368
Well equipment; exemption	1947	192
Oil and gas, lands and equipment; for search or production of; tax situs	1959	112
Oil and gasoline inspection charge; definition	1941	684
Oil, mineral, and other sub-surface rights, separate taxation of; procedure	1957	534
Old age assistance; appropriation; source; amount	1945	544
Omission of property from tax sale notice	1943	209
Omitted taxes; tax certificates barred by limitations	1947	221
Orlando		
State bank, how to be assessed	1925	372
Utilities commission lands located in Brevard; ad valorem tax situs	1957	696
Outdoor advertiser; liability for occupational license tax	1947	264

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Outstanding tax sale certificate, disposition after county foreclosure	1955	882
Oxygen, acetylene welding gas, carbon dioxide and similar; power of city to levy tax	1955	856
Oyster canneries	1913	138
Palm Beach county water control district, tax collector, assessor, compensation in connection for services with	1959	459
Partners; separate homesteads; exemptions	1947	617
Partnerships		
Exemption from license taxes	1947	271
Interests in		
Taxability	1947	526
	1957	912
	1947	241
Patent royalties; intangible tax		
Patrol stations, ad valorem tax liability	1953	407
Payment		
Exchange on checks	1943	483
Extending time of payment of 1932 taxes under chapter 16253, 1933	1933	117
Payable only in money	1931	759
Payment under protest, state officials not authorized to accept	1931	236
Payroll tax; workers' benefits; state income tax prohibited	1949	283
Penalties; postponements	1941	187
Personal property		
Commercially used; return	1945	330
Enforcement and collection on	1929	378
Levy on after-acquired	1935	121
Petroleum		
Carrier corporation; exemption under reciprocal agreement	1949	364
Dealer; license by municipalities; deliveries in other cities	1949	266
Products; gasoline, diesel fuel, hexane, rubber solvent, etc.	1949	272
		274
Piers and buildings on lands covered by navigable waters, tax situs	1957	243
Pipe line companies; public service; taxability	1959	300
Plats, revocation	1927	430
Platting of land	1927	334
Pleasure boat registered in another state; liability	1947	239
Plymouth citrus products, revolving fund certificates issued; tax situs	1955	420
Polk county port authority, construction of law	1937	586
Poll tax See: ELECTIONS		
Portable trailer porches, tax liability	1957	589
Postwar fund; termination of power to levy tax	1947	140
Power to reserve right of way; sale of tax forfeiture lands	1949	238
Premium		
Receipts tax; foreign companies, tangible personal property; credits and deductions against	1955	85
Stores, trading stamp and coupons; occupational license	1951	321
Prison farm lands		
Bradford and Union counties, assessment	1957	529
Taxation by counties	1947	183

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Private educational institutions; exemption	1947	191
Promissory notes		
Policy loans by insurers	1949	257
Written obligations to pay; tax-ability	1959	432
Property		
Alien, located in state, subject to intangible personal property tax	1939	472
Assessment; removal of build-ings; effect	1949	225
Certain, liable	1925	185
Church and school purposes, not used directly	1915	295
Duty of owner to make return; recourse	1931	865
Educational purposes, used for; tax exempt	1959	649
Exempt; sales after tax day	1957	452
Formerly within city limits, bonded indebtedness; liability of owner for taxes assessed for payment	1959	255
Future use as church site, etc.; exemption	1957	179
Improvements refund; county tax deed	1949	241
Individually owned; used for re-ligious purpose, tax liability	1951	280
Leased by county or municipality, not exempt	1931	480
Location of, for purpose of intan-gible personal property tax	1933	59
Moody Bible institute; exemp-tion	1949	223
Municipal assessment; Broward county	1949	229
Owned by Yale university not exempt	1931	684
Privately owned; leased to city for public purposes; tax situs	1959	88
Riparian owners; state acquires title; validity tax certificates not guaranteed	1949	213
Sale		
Delinquent taxes		
County commissioners, duties	1955	76
Prior to date advertised; prohibited	1957	719
School and church, unoccupied	1915	265
Subject to, on first day of		
January each year	1927	335
Tax foreclosed, donation of power of county	1945	454
Unimproved church property	1939	460
United States government; ex-emption	1929	224
Used in part for business purposes; homestead exemption	1947	619
Protest, payment under	1931	236
	1935	251
Public lands, sale contract; limita-tion	1951	432
Pullman companies, gross receipts, tax on under guarantee; liability	1959	506
Quadruplegics, exemption from ad valorem taxes; application of		
1959 assessments	1959	166
Race horses		
Nonresident owner; tax situs	1953	265
When not subject to	1931	677

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Race track shops; classification as chain stores	1945	343
Race tracks		
Admission prices established	1949	484
Certain equipment and service fees; exempt from sales tax	1951	338
Racing or fronton permits, intangible personal property; taxability	1959	319
Railroads		
Cancellation	1937	587
Intangible property; assessment	1947	220
Properties, conveyed as railroad part of employees' pension plan, tax assessment	1959	85
Rate per mile	1907	127
Special school district	1909	73
Sub-school district	1909	73
Telegraph lines; taxation by re-incorporated municipality	1947	220
Ramie fiber production plants; ex-emption	1947	275
Rate for advertising sale of lands for unpaid taxes	1933	138
Raw materials used in finished products subject to exemption	1937	531
Real estate agents to pay	1923	289
Real estate brokers		
Salesmen, certain counties; residence requirements	1953	289
Subject to	1923	295
Real estate corporation; transfer; merger; deed, excise tax	1949	254
Real property		
Acquired by county boards of public instruction; liability, limitation	1951	291
Agreements not to encumber or transfer real property, given in connection with certain ex-isting lien; taxability	1959	760
Assessment		
Chapter 57-195, construction of; tax applicable to 1958 tax roll	1957	223
Reference to plat or map not properly of record	1955	620
Cemetery, held for future use as a	1953	214
Charitable trust, held for future use; taxability	1957	142
Held in trust; homestead exemp-tion claimed; liability for as-sessment	1955	104
Lease of; documentary stamp tax	1947	223
Leased		
City, from; improvements by lessee; taxability	1959	765
Municipality, to; used as park-ing lot; tax situs	1957	561
Religious associations; failure to file claim for exemption, right to exemption	1953	224
Separate assessment of interest in; where separately owned and occupied	1953	228
Successive works of improvement, assessment for special benefits	1957	244
Undivided interest, tax assess-ment	1955	158
Reallocation to municipalities; taxes collected by state; authority	1949	24
Redemptions		
Certificates		
Amount due purchaser	1947	215

Subject	Year	Page
TAXATION (cont.)		
Redemptions (cont.)		
Certificates (cont.)		
Error of clerk in calculating amount due	1947	218
Clearing tax redemption fund with state treasurer, without authority	1933	107
Collection upon basis of regular valuation	1929	231
Construction of law	1931	279
	1937	291
		593
Costs and fees of redemption officer; construction of law	1931	1062
Land		
Part of taxes represented in a tax sale certificate	1933	108
Tax sale certificates with bonds	1933	114
Taxes under 1931 Futch bill	1933	80
Owner may redeem part of tract	1931	503
Status of interest	1929	400
Tax certificate	1927	452
Time	1945	321
Unclaimed funds; remittance to treasurer	1945	294
Undivided interest in land from tax sale certificate	1933	111
Valuation basis	1931	480
Refunds		
Ad valorem taxes on liquors	1947	507
Comptroller, authority to order	1945	303
County commissioners; procedure	1945	303
Double assessment; effect	1959	24
Gasoline taxes		
Equipment used for agricultural purposes	1953	292
Method of making	1953	291
Governor not authorized to remit	1925	103
Taxes paid through mistake	1939	347
	1955	767
Time limitation for making application	1955	579
Registration tax on motor vehicles constitutes first lien; enforcement	1939	497
Reincorporated municipality, taxation of railroads, etc.	1947	220
Reinsurance; insurance gross receipts; requirements	1949	262
Religious, charitable or educational institutions	1925	186
Documentary stamp tax, exemption	1947	230
Exemption, right to; failure to file claim	1953	224
Lands owned by; leases to individuals; tax situs	1953	208
Privately owned, exemption	1941	156
Unimproved church property	1939	460
Remainder after life estate, tax situs	1953	314
Renewal notes, when subject to documentary stamp tax	1937	507
Rental		
Boats, chairs, umbrellas, etc., on beaches; occupational license tax	1947	265
Property of charitable institutions not exempt	1937	518
Representatives and offices; promotional and franchising duties; liability	1953	280

Subject	Year	Page
TAXATION (cont.)		
Resubdivision; assessment	1947	193
Retail installment revolving account contract or agreement; taxability	1959	432
Retained title; unpaid balance, tax liability	1953	316
Retirement fund; Florida power corporation employees; foreign trustees; interest of beneficiaries; tax situs	1957	263
Right of way reservation in sale of tax forfeiture lands	1949	238
Ringling estate not subject to intangible personal property tax	1937	541
Riparian rights, separate assessment; Murphy act deed	1951	290
Riviera country club; certificate of membership; documentary stamp taxes	1949	258
Roads and bridges		
Cities and towns entitled to one half of amount realized on property within corporate limits	1931	477
Districts		
Levy against homesteads for upkeep, maintenance, etc.; prohibited	1957	236
Remittance to state treasurer, when not required	1929	217
Funds	1923	121
Apportionment of county to municipalities	1935	125
Levy		
County; apportionment to municipalities	1947	398
Distribution	1921	293
Maintenance tax; exemption of homesteads	1947	620
Road tax, payment; exemption	1905	143
Special districts	1909	75
One half to be paid to cities and towns, when	1931	508
Special tax		
Levy; collection cost; municipal liability	1951	498
Spending in district; requirements	1917	445
Rolling stocks; railroads subject to tax; drainage districts	1949	245
Rollins college, exemption claimed	1923	123
Rural electrification		
Administration, notes and other obligations; documentary stamp tax, liability	1957	830
Cooperatives not entitled to	1939	458
St. Augustine airport; Fairchild Engine and Airplane Corporation lands leased to; tax exempt	1959	562
		653
St. Johns Terminal Co.; assessments	1931	276
Sales and use tax, additional by county; public school construction	1955	66
Sales stables	1923	111
Sales tax		
Automobile dealers, registration; title certificate requirement; sale and use tax statement	1957	407
Collections, refusal to remit; liability	1951	342
Commercial boats outside territorial waters, sales of tangible personal property to; liability	1953	299

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Sales tax (cont.)		
Contractors employed by governmental agencies, removal from exemption	1959	171
Definition; permanent residents	1949	279
Floral crops, saran polyethylene cloth, poles, etc., purchase or use for; liability	1957	67
Hotel and motor court licenses; authority of commissioner to suspend for	1953	298
Isolated or occasional sales of motor vehicles; collection	1957	448
Levy by taxing district for advertising purposes; authority	1959	33
Liens, personal property; homestead exemption; legality	1951	340
Motor vehicle sales, duty of motor vehicle commissioner	1957	222
Payment with worthless checks	1949	280
Permanent residents; definition of residence	1949	279
Public works, contracts executed prior to August 1; adjustments to protect bidders from	1959	191
Race tracks; certain equipment, rental and service fees; exempt	1951	338
Records, confidential from public inspection	1957	680
School construction, local additional tax by counties	1955	66
Tangible personal property		
Importation	1951	335
Vehicle seizure, out-of-state firms making deliveries	1951	335
Taxing district, establishment for advertising purposes, levy of sales tax; authority	1959	33
Vocational schools, room rent, meals; liable	1951	381
Warrant, execution; personal property; estate by entireties	1951	339
Salvation army property; exemption	1947	187
Schools		
Assessor; commissions	1945	302
	1947	202
Bonds or time warrants, tax anticipation notes not classed as	1933	130
Certificates of indebtedness, receivable by tax collector in payment of taxes	1933	128 238
Commissions for assessing and collecting taxes; computation	1941	175
Payment by county commissioners	1933	236
County commissioners, powers to levy for school purposes	1905	208
Districts		
Bond taxes		
Board of forestry and parks	1943	454
Exemption of homesteads	1947	616
Limits	1921	159
Millage; result of election	1945	413
Lands		
Contract for conveyance; assessment	1947	205
Drainage tax, not subject to South Florida conservancy district, liability	1937	209
	1939	298
Millage		
Reduction by county commissioners	1941	307

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Schools (cont.)		
Millage (cont.)		
School board, fixed by	1913	187
Okaloosa county school board, certain certificates of indebtedness issued by	1933	129
Property		
Exempt	1929	384
Municipal special assessments, not allowed	1951	431
Receipts issued solely for payment of taxes	1933	145
Revenue certificates; pledge of property tax	1947	198
School boards and county commissioners not liable under workmen's compensation act	1937	335
Subdistrict taxes	1909	56
Tax districts		
Elections	1933	367
Millage, reduction	1941	187
Tax levy for county school purposes	1905	42
Use of school taxes for noneducational purposes	1947	622
Warrants in payment of school taxes	1921	146
Seaboard railway to set off overpayment on personal property against real property leased; authority	1939	519
Securities See: SECURITIES		
Semi-annual reports	1927	431
Service men, moratorium on taxes and assessments	1941	173 798
	1945	518
Severance tax, oysters; amount		
Shares of stock		
Intangible personal property tax	1933	57
Issued by bank, intangible personal property tax	1933	53
Sold in another state; documentary stamp tax	1947	224
Shell fish privilege tax to be set aside	1937	588
Sheriff, collections	1921	296
Sheriff's automobile; exemption from gasoline tax	1947	273
Shirt factory not exempt	1937	532
Short sales of stock; intangible personal property tax; taxability	1957	837
Shows liable for, when held under auspices of fraternal organizations	1927	202
Sick and funeral benefit		
Companies, collection of tax	1905	83
Insurance license tax	1909	45
Single bill levying all state taxes; validity of proposed law	1945	91
Slenderizing salon; operators, registration as masseur as condition to obtain license	1959	174
Slot machines		
Duplicate licenses	1935	107
Hotels, construction of statutes	1935	107
Operators operating machines contracted to purchase	1935	108
Social clubs, plumbers and fitters; tax liability		
	1951	282
Sovereignty lands		
Special assessments	1935	596
Benefits, homestead exemption not applicable to	1933	91

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Special assessments (cont.)		
Liability of homesteads	1945	286
Special, commission allowed when collected	1931	677
Special districts	1923	77
		102
		109
Tax used in district	1917	458
Special master's deeds, documentary stamp tax	1941	213
Special tax district		
Assessment and collection	1927	179
Railroads, tax	1909	73
Special taxing district taxes; commissions for assessing and collecting	1939	70
State and county taxes, lands in Everglades drainage district	1931	284
		290
State collected tax; reallocation to cities; legislature; extraordinary session	1949	24
State comptroller, authorized reduction in valuation for county tax purposes; authority and jurisdiction	1957	418
State employees not required to pay income tax	1937	534
State equalizer of taxes		
Employees, salary and expenses	1921	155
Expenses and clerical assistance	1921	303
Reports, authority to print	1925	260
Salary and expenses	1921	122
State institutions, businesses and equipment on campus grounds; liability	1953	286
State lands	1941	171
		172
Assessment for taxes; validity of tax sale certificates	1955	686
Counties	1947	183
Drainage district	1949	221
Exemptions	1943	206
Inland navigation district taxes	1949	345
Under contract of sale; enforcement of tax liens	1947	364
State may be made party to suit to collect intangible personal property tax	1939	474
State prison farm lands	1947	182
State property		
Not subject to tax	1937	589
Paving assessment against; costs; payment	1953	182
State road department, toll charges; immune from federal tax	1953	418
State school fund; overpayment of interest by municipality; refund	1949	282
State school lands; taxability, drainage	1943	309
State textbook fund; disposition of delinquent taxes	1945	410
Steamboats engaged in interstate commerce; out-of-state corporation; tax situs	1904	31
Steamships, situs for assessment purpose	1917	361
Stock in trade		
Held for export sales only, taxability	1959	772
Method of assessment	1945	298
Stockholders' proxies; documentary stamp tax	1947	222

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Stocks pledged as collateral for loan, unpaid balance due on; tax situs	1957	796
Street tax, liability; Anthony, town of	1905	138
Subdistrict school taxes	1909	56
Subdivided lands		
Manner of assessing	1927	426
Now below normal high tide; assessment	1947	178
Subdivision		
Area dedicated as park for use of property owners of; tax situs	1957	20
Assessment of lots where less than 60% sold; situs	1955	710
Plat, delinquent tax; filing; clerk's duty	1955	72
Submerged lands, upland adjoining; purchaser under tax deed; riparian rights	1959	285
Subschool district	1907	49
	1909	73
Subsequent and omitted county taxes, rate of interest	1953	234
Subsurface		
Interest; recording; clerk's fee	1945	368
Rights; separate taxation; procedure	1957	534
Sugar; nonresident ownership; stored in warehouse in state; taxable status	1959	470
Sun Dial school; nonprofit corporation; used for educational purposes; exemption	1957	827
Supervised playground tax levy; referendum on same day as general election	1947	78
		79
Supposed Murphy act lands; operation of Futch act	1945	319
Surplus arising from sale of property, disposition	1937	499
	1939	525
	1947	208
Swimming pools, other recreational facilities within subdivision; exemptions; apportionment of taxes	1957	166
Tampa Garden apartments; McDill air force base; leasehold interests subject to	1949	315
Tangible and intangible personal property taxes, collection; bank deposits, subject to garnishment	1957	142
Tangible personal property		
Acquisition subsequent to assessment; seizure and sale	1941	210
Ad valorem tax		
Alcoholic beverages	1945	330
Commercial aircraft	1945	324
Leased motor vehicle tires	1935	334
Stock in trade	1945	298
Wholesale stock, liquor; assessment method	1949	251
Aircraft, assessment	1951	493
Application of law	1931	675
Appraisal to determine exemption	1953	316
Assessment	1915	213
	1931	681
Assessors to make	1937	601

Subject	Year	Page
TAXATION (cont.)		
Tangible personal property (cont.)		
Assessment (cont.)		
Owned by national bank	1931	669
Time	1947	232
When deemed so attachment may issue	1959	31
Automobiles assessable, when	1931	686
Automobiles, trailers not exempt from taxation	1937	599
Boats	1931	745
Liability	1951	309
Members of armed services, owned by; operated in state; ad valorem and license requirements	1959	746
Vessels, registered; tax situs	1957	90
Bulk sale by vendor to purchaser; tax liability of assessed tax	1957	611
Classification, in re intangibles	1931	680
Clubs subject to taxation	1915	261
Collection		
County commissioners not authorized to employ attorney to collect	1933	215
Delinquent taxes	1947	244
	1951	311
Enforcement, method	1931	513
Warrant, levy under	1941	182
Concrete mixers, large cranes mounted on motor vehicle chassis; tax situs	1955	895
Construction machinery and equipment of nonresident used in state; liability	1957	156
County owned; supervision and management by county commissioners; authority	1959	461
Dealers; trailers for sale; taxation	1949	252
Delinquent; authority of tax collector to collect outside state	1949	250
Dredging equipment, situs; assessment	1951	309
Enforcement and collection	1929	378
Equalization of assessments, when not returned under oath	1915	210
Equipment mounted on trucks	1949	363
Exemption	1929	389
Head of family	1953	310
Resident entitled to five hundred dollar exemption	1933	99
Foreign insurance company; credits and deductions against premium receipts tax	1955	85
Full cash value assessment	1949	233
Housing projects, documents in connection with financing; tax situs	1957	653
Imported in state after January 1 and before April 1, taxability	1959	160
Imports		
Foreign countries, from; taxability	1959	699
Not subject to tax	1937	600
Taxability	1959	699
Lands of the internal improvement fund in central and southern Florida flood control district, liability	1949	229
Leasehold interests, tax situs	1955	111
Liens	1955	62
Located in another county; taxable in county	1951	309
Military reservation, exemption	1957	34
		42

Subject	Year	Page
TAXATION (cont.)		
Tangible personal property (cont.)		
Motor vehicles		
Extra equipment devices mounted on	1949	363
Subject to levy for taxes	1949	235
Trailers; assessment, collection, procedure for	1957	139
National banks exempt	1939	502
Notice of delinquency; time of publication	1945	329
Nursery stock, assessment	1931	687
Removal from county; collection	1951	311
Removal from state; assessment	1949	252
Retained title; unpaid balance, tax liability	1953	316
Return under oath; equalization	1947	206
Sales of, commercial boats outside territorial waters; liability	1953	299
Situs for taxation; assessment; removal, collection procedure	1949	252
Stock in trade held for export sales only, taxability	1959	772
Stock of automobile sales agency	1933	64
Sugar; nonresident ownership; stored in warehouse in state; taxable status	1959	470
Tax list, delinquent; publication legal	1949	251
Taxes, delinquent; collection	1951	311
United States real estate mortgage form; exemption	1955	646
Vehicle seizure, out-of-state firms making deliveries	1951	335
Warehouse, stock storage for export sales only, taxability	1959	772
Tax adjustment board See: COUNTY BOARD OF ADJUSTMENT		
Tax adjustments; method of assessing after adjustment	1929	405
Tax anticipation notes		
Assignments of judgments precluded as security for handling public funds	1933	194
		415
Issued by board of public instruction may be renewed, when	1933	424
Power of inlet district to issue	1947	150
Tax books; closing date	1943	211
Governor not authorized to extend time	1931	226
Tax certificates		
Adjustment and issuance under chapter 14572	1929	408
After commencement of suit person cannot redeem or purchase a part thereof	1931	471
Amount required and method of redemption	1931	248
Application of law	1931	372
		785
Assessment of state lands for taxes; validity	1955	686
Assessor; duties	1931	251
Assignment		
Advertisement	1949	241
Cancellation	1947	214
Municipal corporation, enforcement or recovery	1955	746
Baldwin drainage district; tax delinquent lands sale	1949	242
Barred by limitations; effect upon omitted taxes	1947	221

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Tax certificates (cont.)		
Bids by individuals at tax sales; redemption; interest	1949	236
Cancellation	1923	120
Boy Scout property; exemption	1941	361
	1949	220
Certain certificates by clerk, without authority	1904	41
Clerk; notations thereon	1957	938
Comptroller; authority	1929	198
Duval county	1905	77
Futch act	1945	308
Fees of clerk	1947	199
Illegal or void certificates; fees not authorized	1904	69
Issuance of tax deed based on cancelled certificate	1947	212
Lands		
Conveyed to internal improvement fund	1939	507
Owned by county when tax accrued prior to vesting title; authority of comptroller	1939	514
Purchased by county; tax encumbrances; commissioners' authority	1949	226
Limitation	1953	241
Municipal holder	1951	305
Omitted taxes; Liberty county	1949	239
Reasons	1943	217
State owned against state-acquired land, when	1939	503
Twenty year old certificates	1947	211
		215
		216
		217
Chapter 14572 held to be constitutional	1929	234
City; bill in chancery, proper procedure for foreclosure	1931	832
Clerks, circuit courts		
Assigning by, not authorized under Murphy act	1939	33
Duties		
Application for tax deeds	1949	244
Redemption when purchased by persons other than owner of land	1939	31
Fees		
Cancelling, entitled to fees	1939	29
Marginal notations, duty	1957	804
Recording	1937	44
Transfer and assignment, interpretation of law	1931	271
Lands forfeited	1939	29
Recording written instruments and transfers	1949	239
Selling; authority	1929	296
Collectors		
Duties	1931	251
Signing	1931	714
Commissions		
Assessors		
Entitled to 2%	1939	70
Extending taxes after redemption	1931	691
Lands assessed to state	1929	209
Collectors	1931	703
Certificates sold or redeemed at less than face amount, when	1939	75

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)		
Tax certificates (cont.)		
Comptroller		
Alteration, not authorized	1904	25
Canceled certificates, refund of money	1937	592
Cancellation, without authority in certain cases	1931	253
Interest, without authority to waive when owned by state	1939	504
Void certificates, refund of money	1937	591
Construction of law	1931	483
		497
Costs and expenses incident to suits, payment	1931	264
County commissioners authorized to bring suit to foreclose	1929	230
County owned	1943	218
Foreclosure; redemption	1949	241
County tax deeds; property improvements; refund	1949	241
County tax liens; foreclosure proceedings	1943	218
	1945	320
Destruction without statutory authority; legality	1957	100
Differentiated	1937	503
Drainage district; Murphy act, not within purview	1953	352
Duplicate, application for by holder and owner of mineral rights or interest in tax delinquent lands; disposition by clerk	1959	119
Erroneous amount, issuance by city for; interest, recovery	1959	80
Erroneous description of lands		
Correction	1947	179
	1949	214
	1945	271
		292
Murphy act lands	1941	188
Erroneous sale, refunds		
Everglades drainage district Authority, trustees internal improvement fund	1931	458
Issued to board of; should not be sold by clerk circuit court	1913	258
Everglades fire control taxes; cancellation	1947	219
Exemption		
Sold on competitive bids, when	1929	208
Widows; certificate issued because of failure to apply	1949	239
Failure to issue; effect	1945	293
Foreclosure	1931	271
Certain procedure not authorized	1931	260
Certificates more than twenty years old; authority of county	1957	938
Construction of statute	1931	1007
Holders entitled only pro rata share	1949	238
Method	1931	792
Municipalities; land sales; distribution proceeds	1949	240
Proceedings	1931	1025
Proper parties	1931	754
Redemption of certificates purchased under Murphy act	1945	314
Time at which title vests	1947	210

Subject	Year	Page
TAXATION (cont.)		
Tax certificates (cont.)		
Foreclosure (cont.)		
Title vesting in county through; effect	1947	213
Forms	1933	112
Futch act		
Exemption; effect	1945	319
Omitting lands from tax roll; effect; cancellation authorized	1957	635
Held by state, county, etc.; limitation upon enforcement	1953	243
Holders		
Participation in proceeds derived from sale of land covered by certificates	1957	147
Reimbursement after cancellation	1947	181
Rights of; Murphy act lands	1945	272
Hotel, back assessment	1925	178
Individually held; limitations	1949	243
Inspection by state auditor	1941	188
Intangible tax law, not taxable under	1931	689
Interest rate	1925	305
	1953	227
Same when sold to individual as to county	1953	240
Internal improvement agent; recovery of cost for advertising, etc., for certificate later found void	1957	577
Issued in 1935 held by state, vested title in state	1941	189
Law does not operate to vest title in state where tax lien was more than four years old, etc.	1939	508
Legality of notice; construction of law, in re	1931	259
Limitation periods; subsequent and omitted taxes; effect	1959	454
List transmitted semi-annually to comptroller; authorized	1904	40
Loss, effect	1941	189
Lost or destroyed; transfer of state interest in; effect of copy	1905	52
Municipalities		
Holder; cancellation	1951	305
Liens, limitation	1951	290
Property; cancellation	1945	274
Murphy act		
Collector, duties; construction of law	1939	512
Deed; riparian rights, separate assessment	1951	290
Expiration date	1939	504
Lands; cancellation	1955	126
Redemption, refund to unsuccessful applicant for tax deed	1941	192
Omitted taxes; method of cancellation	1949	239
Outstanding, disposition after county foreclosure	1955	882
Overlooked certificates		
Property covered by, trustees of internal improvement fund have no authority over	1939	513
Title to land covered by; duties clerk circuit court	1939	510

Subject	Year	Page
TAXATION (cont.)		
Tax certificates (cont.)		
Owned by individual; Murphy act lands; cancellation	1945	156
Preferred claims against insolvent banks, when	1925	203
Public lands, disposition	1951	432
Purchase		
Authority	1929	211
Fictitious name, under	1951	755
Foreclosure, method	1931	483
Murphy act, under; redemption	1945	314
Purchaser	1943	211
Right to hold owner for full amount of interest and face of certificates	1931	472
Redemption	1919	306
	1925	317
	1927	316
		452
Acceptance of bonds, delinquent coupons, etc.	1931	818
Amount due, error of clerk in calculating	1947	218
Before application for tax deed	1941	191
Bonds; county, district or municipality may declare class to be accepted	1931	395
Daughter of owner, eligibility	1945	315
Eligibility	1931	470
Extension of period for; effect of Futch law with regard to Murphy law	1939	505
Interest	1927	309
	1941	167
	1949	236
		237
Lands, from part of taxes represented in certificate	1933	108
Last assessed valuation, upon basis of	1933	108
Method and amount required	1931	248
		478
		482
Part or interest of value, not area, to be considered	1931	497
Purchaser, amount due	1947	215
Rules of law	1931	258
Time	1945	321
Trustees of the internal improvement fund	1945	461
Unclaimed funds; disposition	1945	294
Voluntary, amount holder entitled to receive	1941	193
Without redeeming subsequent omitted taxes	1955	851
Reestablishment; procedure	1905	150
Reflection on current tax roll	1945	305
		306
Refunds	1931	314
		781
Amount received by state, authority to refund to holder	1931	314
Canceled certificates, required for	1937	592
Holder's right where double assessment made	1959	24
Void certificates	1941	195
Clerk circuit court	1941	198
Comptroller	1941	196
Sale	1931	750
	1937	503

Subject	Year	Page
TAXATION (cont.)		
Tax certificates (cont.)		
Sale (cont.)		
Collectors; commissions	1947	201
Illegal; procedure when	1931	696
Lands acquired by foreclosure, pro rata share by individual holders	1957	148
Prior to date advertised; prohibited	1957	719
Proceeds from, disbursement	1939	514
	1947	207
Signature by rubber stamp		
Collector, authorization	1941	184
Not permissible; collector must sign personally	1929	294
State; fencing lands covered by	1935	118
State-owned; property Tampa yacht and country club, certificates issued on not subject cancellation	1939	508
Submerged lands; riparian owners; state acquires title; validity questionable	1949	213
Suits; payment costs and expenses	1931	264
Surplus arising from sale of lands under tax deed; disposition	1939	525
Tax deeds		
Application, based on subsequent omitted taxes when tax sale certificate barred by limitations	1957	101
Defective description; correction, etc.; validity of conveyance	1959	82
Issuance to highest bidder	1945	318
Sale based on invalid certificate, refunds	1953	225
Void; double assessment; right to refund of tax amount	1959	24
Tax liens		
Clearing property	1931	837
Municipalities authorized to accept installment payments	1931	721
Water conservation area; payment on part of parcel	1949	240
Tax redemption law, construction	1937	593
Tax rolls; assessment errors; correction	1949	217
Timber, method to pursue to prevent cutting	1931	586
Transfer of ownership; satisfaction of liens required	1949	226
		240
		241
Two cases differentiated	1937	503
Validity of certain certificates	1905	98
Vesting of title in state	1941	194
Tax collector See: Collectors, this heading		
Tax commission		
Biennial report; not authorized to print other than	1917	278
Equalization of assessments, authority	1917	354
Opinions rendered to	1915	210
	1917	353
Pay costs and make supersedeas bond in tax cases, power	1915	212
Placing office of in primary	1917	246

Subject	Year	Page
TAXATION (cont.)		
Tax deeds	1931	785
See also: DEEDS AND CONVEYANCES		
All tax liens must be settled by purchaser before issuance	1931	825
Application		
Based on subsequent omitted taxes when tax sale certificate barred by limitations	1957	101
Clerks circuit courts; duties	1949	244
Fictitious name, under	1951	755
Law	1905	100
Publication	1929	305
Withdrawal; time	1957	346
Canceled tax certificate as basis for issuance	1947	212
Certificates purchased under Murphy act, redemption	1945	314
Clerk circuit court		
Duties	1921	396
Error in description; correction authorized	1949	214
Do not extinguish prior certificates	1933	114
Form; issuance of corrective deed	1945	313
Homestead, issuance	1931	688
Invalid tax certificate; refunds	1953	225
Issuance	1927	445
Clerk of circuit court; payment of taxes	1955	51
Highest bidder	1945	318
Interpretation of law	1927	323
Method of obtaining	1931	502
Notice, validity	1941	195
Prima facie evidence of title; validity of deed	1905	196
Purchaser to obtain possession of property	1931	850
Redemption prior to issuance	1945	321
Sales		
Application for; incompetent owners; procedure	1957	143
Excess proceeds; distribution	1955	550
State treasurer not authorized to apply for, on tax certificates issued in his name	1935	91
Statute of limitations	1923	279
Surplus arising from sale of lands, disposition	1939	525
Tax certificate lost or destroyed	1921	274
Taxes erroneously assessed, corrections	1935	242
Trustees, internal improvement fund; reservation of mineral and oil rights, effect	1951	434
Tax districts; certification of valuations and millages, time required	1955	852
Tax erroneously paid, recourse	1917	372
Tax list See: List under Delinquent taxes		
Tax returns		
Blanks, authority to change items	1913	97
Compulsory; what constitutes 50% of full cash value of property	1929	207
Property owner, duty to make	1931	865
Tax rolls		
Assessor, authority to change after in hands of collector	1935	126
Blanket reduction in, county commissioners not authorized to make	1933	140
Collector not authorized to accept payment of 1922 taxes on value as shown by 1933 tax roll	1933	145

Subject	Year	Page
TAXATION (cont.)		
Tax rolls (cont.)		
County equalization board; errors corrected; authority to reconvene	1949	178
Delinquent lands transferred to other county	1949	21
Disposition by tax collector	1947	204
Equalization		
County commissioners; equalization board, hearings	1949	231
Fees; tax assessor; exclusion from board hearings illegal	1949	231
Error; procedure for correction	1949	228
	1951	286
Indexing	1951	297
Property		
Assessment after acceptance, not allowed	1937	101
Sold to state, commission not allowed for entering	1931	688
Public may inspect	1937	100
	1957	817
Tax sales covering railroad lands in hands of receiver	1933	125
Tax warrants		
Costs, posting bond, recording	1943	387
Delinquent license taxes, collection; issuance and enforcement	1957	145
Taxation without representation; definition of	1931	929
Taxes not subject to be remitted under chapter 14486	1929	217
Taxing officials		
Compensation; Everglades drainage district; assessments	1949	229
Errors in tax rolls; correction authorized	1949	217
Taxpayers		
Discounts, prompt payment	1941	186
Penalties, postponements	1941	186
Statutory construction; definition; defined as freeholder as used in §167.21	1959	454
Telegraph service; purchase; tax levy by municipalities, authority	1953	181
Telegraphic messages intrastate; tax situs	1957	759
Telephone bills; Florida citrus commission; federal taxes, exemption	1953	571
Television and distribution system, taxability	1959	553
Terminal annuities subject to intangible personal property tax	1939	471
Territory annexed by city; limitations upon taxation	1947	173
Texaco aerodiesel fuel not subject to gasoline tax	1929	226
Tourist park, city-owned property utilized as; liability	1957	925
Tractors and trailers, when subject to license tax	1939	485
Trailers		
Avoidance of ad valorem taxes through payment of license tax	1947	388
House; occupancy by members of the armed forces; tax liability	1951	469

Subject	Year	Page
TAXATION (cont.)		
Trailers (cont.)		
Transportation of for compensation; return trips; mileage taxes	1955	404
Tram roads, assessment of	1909	77
Transportation companies; motor vehicles used by; mileage tax	1951	485
Trucks, classification and definition, weight of fifth wheel	1939	482
Trustees internal improvement fund have no authority in property covered by overlooked tax certificates	1939	513
Trusts		
Certain trust not subject to intangible personal property tax	1937	537
Estate belonging to eleemosynary institution but life income is reserved or willed, income should be returned	1937	546
Funds; retirement and benefit plans for employees of corporate or private industry; tax exemption	1957	64
Grave care, tax situs	1957	43
Properties, ad valorem tax; liability	1955	909
Real or personal property held for benevolent or fraternal institution; tax liability	1957	73
Taxability	1941	211
One trustee, nonresident	1939	480
Turpentine		
Leases; unpaid taxes; cancellation	1905	92
Mill operations; suit can be maintained to restrain when land sold	1929	227
	1907	38
Privileges		
Unemployment compensation tax; collection; nonresident	1943	388
United States real estate mortgage form No. 967.8, exemption	1955	646
United States territory, bonds of; exempt from state taxes	1959	41
United States treasury certificates of indebtedness, exemption	1953	262
University press, department of university of Florida; tax situs	1955	944
Use taxes, application for refund; limitation	1953	304
Utility excise tax		
See also: MUNICIPALITIES		
Churches, exemption	1955	73
Utility services furnished by municipalities for religious purposes, exemption	1957	303
Valuation		
By assessor, review of	1915	270
Changed by county commissioners to affect totals	1913	185
Fixed by tax assessor; comptroller not authorized to change	1933	115
May be raised when county commissioners sit as board of equalization	1917	428
Reduction in, for county tax purposes; comptroller authority and jurisdiction	1957	418
Vessels; registered		
Foreign flag, under; ad valorem tax	1947	182

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
TAXATION (cont.)			TAYLOR COUNTY (cont.)		
Vessels; registered (cont.)			Sponges, illegal; seized; disposition by court order	1949	407
Tax liability	1957	90	Teachers See: SCHOOLS		
Veterans			Teachers' retirement See: RETIREMENT SYSTEMS		
Disabled; exemption on certain properties	1957	646	Teachers' salary fund See: SCHOOLS		
Florida pure seed labeling law, not exempt from registration fees under	1939	454	Teamster's local 237; governmental employees, organizing and soliciting membership of; constitution asserts right to strike; limitations and restrictions	1959	241
Lands entered for homesteading	1947	365	Tear gas; fountain pen designed to discharge; legality	1929	391
License exemption See: LICENSES AND LICENSE TAXES				1931	790
Voting; payment prerequisite to, special tax school district election	1939	205	TELEGRAPH AND TELEPHONES		
Wage tax for employees' disability benefits; validity	1951	557	See also: TAXATION		
Warehouse, stock storage for export sales only, taxability	1959	772	Annual reports; resident agents for service of process; construction of statute re requirement	1957	805
Water			Federal taxes; Florida citrus commission; exemption	1953	571
Bottom lands sold by state, assessment	1955	460	Lines; leased line, license tax	1915	140
Conservation area; lands; payment on part	1949	240	Messenger and parcel delivery service; license requirement	1955	673
Mains, municipally owned	1941	151	Pass given, racing commission	1933	441
Widows			Private wire service violations, municipal police officers' authority	1955	613
Deceased disabled veterans; occupational licenses; exemptions	1949	269	Public toll; installation in courthouse; county commissioners, authority	1953	149
Exemption			Sheriff's office; apprehension of criminals; payment	1951	241
Certificates cancelled	1949	239	Telegraph service		
Citizenship not required	1949	217	Intrastate messages, tax situs	1957	759
Property; disability exemption to same person	1953	219	Purchase; tax levy by municipalities, authority	1953	181
Owning property in state entitled to homestead exemption	1939	450	Telephone companies		
Unmarried; world war II man lost in service; exemption	1949	271	License tax		
Withholding tax; municipal employees; subject to	1949	19	Coin-operating machines, not required	1937	558
Women's clubs, when exempt	1931	758	Requirements	1905	76
Workers' benefits; compulsory payroll tax plan; validity questioned	1949	283	Tax situs	1907	50
Yachts registered in another state; liability	1947	239			96
Tax anticipation notes See: TAXATION			TELEVISION		
Tax assessor See: TAXATION			Advertising outside state; state advertising commission	1953	361
Tax certificates See: TAXATION			Bingo at home program, prize award; whether violative of lottery law	1957	810
Tax certified lands See: TAXATION			Broadcasting stations; occupational license tax; liability	1953	277
Tax collectors See: TAXATION			Cameramen; photographing proceedings within hearing room; permitted	1957	853
Tax deeds See: TAXATION			Candidate campaign expenditures; use authorized	1951	133
Tax equalization, board of See: COUNTY BOARD OF EQUALIZATION			Educational television studio expenditure of funds appropriated for construction; authority of commission	1957	668
Tax redemptions See: TAXATION			Picture tube service; contract of insurance, constituting	1951	651
TAXICABS			Station		
Central office, cabs operating from, occupational license tax requirements	1959	204	Electronic equipment, same frequency as that used by law enforcement officers; legality	1959	489
Drivers; workmen's compensation law, when under	1949	439	Engaged in promoting and broadcasting local shows for business concerns; license requirement	1957	335
Insurance liability, coverage, fleet basis; requirements	1951	659	T. V. bucks; merchants' promotional scheme; prize awards; whether violative of lottery laws	1957	425
Two or more vehicles used as; occupational license tax charged to said owners	1959	204	Television and distribution system, taxability	1959	553
Taxpayer See: TAXATION					
TAYLOR COUNTY					
Constables, equipment, supplies, etc., authority to furnish	1959	10			
County owned property, lease; county commissioners	1957	79			
Delinquent tax list; personal property; publication	1949	251			

Subject	Year	Page
Temple Terrace, town of; Hillsborough county; prisoners confined in jail legal	1949	209
TENANTS		
Delinquent; county courts have jurisdiction for removal	1931	837
Eviction proceedings, not required to pay jury fees	1939	92
Sanitation, responsibility for; landlords	1943	357
Tenement houses; license tax enumerated as required in amended law	1927	266
Terminal annuities; subject to intangible personal property tax	1939	471
Termites; building contractors engaged in termite prevention during construction; whether violative of law	1957	620
Texaco aerodiesel fuel; not subject to gasoline tax	1929	226
Texas turnpike; toll road revenue bonds, sale; exempt securities	1955	45
Textbook contracts See: SCHOOLS		
Textbook fund See: SCHOOLS		
Textbook rating committee See: SCHOOLS		
Textbooks See: SCHOOLS		
Thanksgiving Day; designation	1943	483
THEATRES		
Bingo game scheme; prize awards; lottery laws; legality	1957	435
Drive-in		
Coupon tickets, free gasoline; lottery laws, legality	1951	740
Free admission, prizes; lottery laws, legality	1951	746
Fire marshal, authority to close	1945	690
Outdoor		
Operating two or more screens; occupational license requirements	1959	422
Outdoor kitchen facilities; license fees; inspection by hotel and restaurant commission	1957	388
Prize awards by chance; scheme in violation of lottery laws	1953	667
Signed tickets, weekly prizes; violation of lottery law	1951	737
Sky line contest, prizes; lottery law, legality	1951	743
Sunday operation	1917	88
	1931	767
Theatrical employment agencies See: EMPLOYMENT AGENCIES, PRIVATE		
THERAPEUTISTS		
Certificate, requirement for practice	1927	250
Registration; requirements	1927	249
Third statement of candidate See: ELECTIONS		
Threats; compel acts against one's will	1915	114
TICK ERADICATION		
See also: LIVESTOCK SANITARY BOARD		
Appropriation; source of funds	1945	468
Certain funds		
Available	1925	276
May be used for	1925	274
Expense incurred to be paid by board	1923	198
Leon, not authorized to commence in	1923	202
Pasture rotation may be employed	1923	199
Punishment for failure	1923	196

Subject	Year	Page
TICK ERADICATION (cont.)		
Time and manner of beginning work	1925	275
Tideland decision; United States supreme court; sponge fishing industry; state regulation; effect	1949	410
Tidewaters; jurisdiction of shell fish department	1915	203
Timber agents; sheriff to act as	1929	348
TIMBER AND LUMBER		
Adrift; ownership; public custodian; sale	1945	715
Cutting and removing		
Lands on which unredeemed and outstanding tax certificates held; prohibited	1931	783
State lands	1931	517
Prevention, method to be used	1931	586
Disposition when sunken	1923	251
Marketable timber; definition; state hospital lands; pulpwood; intention of board	1947	369
Misdemeanor to remove or work for turpentine purposes on lands sold for taxes	1927	432
Railroad shipment; freight and demurrage charges	1905	112
Sheriff authorized to act when being illegally cut	1929	348
Sunken logs	1921	217
Timber and turpentine rights; tax sale certificates held by state	1933	84
Transportation of poles, lumber, etc., over highways after dark prohibited	1933	617
TIMBER SALE CONTRACTS		
Cashier's checks or money orders		
Documentary stamp tax, liability	1957	288
Sufficient security in lieu of performance bond	1957	288
Time warrants; board of public instruction, issuance	1927	304
	1935	464
Time zones; standard; federal regulation	1945	93
TIP SHEETS		
Definition; licensing in Dade county	1945	351
Disabled veterans; license exemption	1957	923
TIRE AND TUBE DEALERS		
Definition	1927	186
Law construed	1931	700
License tax required; no distinction between new and second hand tires	1931	1054
TITLE		
Abstract		
Examination	1917	298
Incomplete	1921	185
Jackson square, legal title	1911	51
Lands near Ocala	1917	299
State land, clearance	1923	72
Title certificates See: MOTOR VEHICLES		
Title insurance See: INSURANCE		
Title insurers See: INSURANCE		
TOBACCO		
Cooperative organizations; workmen's compensation; employees; liability	1951	543
Tax on cured leaf	1907	110

Subject	Year	Page
Toilets; hotels and restaurants; use of coin-operated locks on; requirement	1953	517
Toll roads and bridges See: ROADS AND BRIDGES		
Toll telephone, public; installation in court house; county commissioners, authority	1953	149
Topsoil; metals or minerals, not defined as	1953	353
TORTS		
Accident involving privately owned vehicle in performance of official duties; tort liabilities, county's immunity	1957	917
Award by arbitrators for alleged breach of contract by state; legality	1947	49
Board of control		
Immunity	1947	333
Students; injuries; liability	1949	326
Council for the blind; liability	1945	548
Counties; immunity	1947	145 384
County board of public instruction		
Immunity	1947	304 305
Liability for death of student	1943	247
Florida council for the blind; not liable	1949	427
Foster parents, welfare workers; tort liability of	1959	710
State agencies		
Liability	1947	377
Personal liability officers and employees; hotel commission	1949	468
Livestock sanitary board; immunity	1947	517
University of South Florida, tort liability of	1959	724
Youth employment service, operation by city; municipal tort liability	1957	723
Tourist camps; rental property, home-stead exemption	1941	163
TOURIST COURTS		
See also: MOTOR COURTS AND MOTELS		
Boats, rented for public fishing and hunting; license requirement	1955	765
Old and new construction; heaters to be vented outside	1949	468
Tourist park; city-owned property utilized as; tax liability	1957	925
Towel supply firms; required to pay license tax same as required of laundries	1929	203
Town council See: MUNICIPALITIES		
Towns and cities See: MUNICIPALITIES		
Trackage of railroad, license tax on See: RAILROADS AND COMMON CARRIERS		
Tractors See: MOTOR VEHICLES		
Trade checks; collectible in cash, when	1933	640
Trade-ins; automobiles; competitive biddings; state road department	1949	185 381 382
TRADE MARKS		
Assignment and sale, when subject to	1929	189
Registration	1919	145
	1921	111
	1923	84
Eligibility	1923	97

Subject	Year	Page
TRADE MARKS (cont.)		
Registration (cont.)		
General purposes, no law authorizing	1925	117
Serial numbers	1921	106
TRADE NAMES		
Club; legality of use of word in corporate name	1945	660
Doctor; legality of use of title	1945	567
Registered, use by unrelated group as corporate name; prohibited	1959	68
TRADING STAMPS		
Chain store operators, issuance of stamps for own accounts and furnishing like stamps to other retailers; construction of law	1959	215
Companies, partial discontinuation of business, etc., regulation requirements	1959	775
Exchange with other companies; registration and posting of bond not required	1959	645
License requirements	1951	320
Each place of business	1931	848 898
Premium stores	1951	321
Two or more redemption stores in county	1957	232
Retailer to give stamps or coupons redeemable by himself, application to plan of	1959	206
Traffic guard; employment by county commissioners; authority	1951	396
Traffic inspectors; aircraft regulations, authority to enforce	1933	622
Traffic offenses See: TRAFFIC VIOLATIONS		
TRAFFIC OFFICERS, COUNTY		
Appointment	1925	101
Compensation and uniforms; law construed	1927	372
Arrests		
Serving criminal process; fees	1943	117 189
With or without warrants; within corporate limits of cities; authority	1953	171
Construction of statute	1931	549
Counties; liability insurance premiums; payment; private autos	1949	199 337
County finances, budgets	1935	807
Employment		
Compensation; Polk county	1951	255
County commissioners; authority	1937	59
Fees, to whom payable	1935	274
Jurisdiction	1935	807
Maintenance of, funds budgeted and paid for; authority	1957	207
Process service		
Civil	1949	198
Deputy sheriff, by	1949	49 198
Criminal	1949	198
Corporate limits of cities, within; authority	1953	171
Rewards, acceptance	1941	146
Road patrolmen; arrests; service of process	1943	117
Uniforms, wearing of; requirements	1927	380
TRAFFIC ON HIGHWAYS		
See also: ROADS AND BRIDGES		
Control within municipality; state highway patrolmen; compensation	1949	208

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TRAFFIC ON HIGHWAYS (cont.)		
Dump trucks		
Defined; semi-trailers; exemptions	1949	351
Maximum weights	1949	352
Justices of the peace; criminal trial jurisdiction	1949	73
Marking and traffic signals installed by municipalities; jurisdiction	1949	383
Motor vehicles; municipal police officers; power of arrests	1949	350
Speed zones		
Amelia Island; Nassau county; authority	1949	351
State institutions; reckless and drunken driving on grounds	1949	350
TRAFFIC REGULATIONS		
Board of control authorized to adopt	1939	290
County road, on; authority of county commissioners	1927	298
Enforcement	1933	508
School buses; loading, unloading	1941	281
TRAFFIC VIOLATIONS		
Deputy sheriff or county patrol; certain informal method of handling	1955	196
Guaranteed arrest bond certificates; arresting officer, duty	1955	701
Municipal court; trial of juveniles	1953	44
Notice to appear; methods authorized for issuance	1957	741
Peace officer, arrest without warrant	1955	447
Police officer; shooting of firearms in pursuit; authority	1955	105
Summons; sheriff's fee	1955	123
Trailer coaches See: Trailers under MOTOR VEHICLES		
TRAILER PARKS		
Electricity, sale by operator; gross receipts tax	1947	248
Portable trailer porches, tax liability	1957	589
Promotion scheme; prize awards; violative of lottery laws	1957	390
Trailers See: MOTOR VEHICLES		
Trained nurses See: NURSES AND NURSING		
TRANSCRIPT OF RECORD		
Appeals; supreme court rule; rule and law; conflict	1949	609
Criminal court of record; court reporter; appeals; fees for making	1949	38
Fees of court reporters for transcribing	1939	86
Grand jury testimony; court reporter; payment	1957	533
Transfer of funds See: Specific heading		
TRANSPORTATION		
See also: SCHOOLS		
Airline deposits to secure discount authorized to be paid from collection of revenue	1939	527
Companies; motor vehicles, mileage tax; reciprocal agreements	1951	485
For hire, statutory definition	1937	358
Illegal liquor; municipalities; confiscation automobiles and vehicles	1949	493
Motor vehicles		
Board of control; faculty members; students; negligence; liability	1949	361

<u>Subject</u>	<u>Year</u>	<u>Page</u>
TRANSPORTATION (cont.)		
Motor vehicles (cont.)		
Highways; weight of loads	1953	385
Patients, Florida crippled children's commission	1937	310
United States mail; privately owned motor truck; license	1949	365
Units; procedure for determining based on area	1939	144
Transportation companies See: MOTOR VEHICLES		
Transportation of intoxicating liquors into dry territory See: ALCOHOLIC BEVERAGES AND LIQUORS		
Transportation of liquors See: ALCOHOLIC BEVERAGES AND LIQUORS		
Transportation of poles, lumber, etc. See: TIMBER AND LUMBER		
TRAPPING		
License; sub-agents' bond premium; cost not allowed as expense of county judge's office	1959	232
Poison; lawful under certain conditions	1927	264
Travel agency; managers; limited travel accident licenses without examination; eligibility	1957	216
TRAVEL EXPENSES		
See also: PER DIEM and Specific heads		
Central and Southern Florida Flood Control districts; expenses governed by §112.061, F. S.	1959	622
Circuit judges		
Mileage between cities in home county	1949	32
Not limited to \$300 a year	1939	81
County and district officers, expense allowances; payment	1959	542
County official attending certain meetings; payment of expense authorized	1957	826
Law enforcement officers, summoned to testify in another county	1957	184
Maximum amount of traveling expense of state officials	1933	611
School board members, number of meetings and travel allowances	1959	536
State board of health, officers and employees	1904	24
State officers and employees	1933	611
Travel and subsistence expenses, auditing of claims; powers and authority of comptroller	1959	549
U-Drive-It auto service and private flying service; transportation; travel requisitions under §112.061, F. S.	1959	696
Welfare board, members	1939	426
Travel; trip insurance, sale through vending machines; validity	1957	210
TRAVELERS' CHECKS		
Documentary stamp tax not subject to	1931	893
Issuance See: BANKS AND TRUST COMPANIES		
Travelers' Insurance Company; right to do business stands revoked until provisions of law complied with	1927	156
Treasure Island; real property, tax assessment	1955	138
Treasurer, state See: STATE TREASURER		
TRESPASS		
Carrying gun on state game preserve; statute construed	1929	275

Subject	Year	Page
TRESPASS (cont.)		
Choctawhatchee river; posting adjacent lands; right of public to fish, hunt and travel	1949	574
Fenced enclosure; cattle guards; county roads	1949	574
Hunting		
Land enclosure not posted; prosecution	1953	567
State-owned land leased for grazing purposes; right of lessee to hunt	1939	565
Land sold for taxes	1923	235
Legal posting; enclosed and unenclosed land	1957	430
Parking in private parking lot, violation	1953	649
Private game refuges	1945	509
Sovereignty lands, taking sand and fill from lake bottoms; violation	1955	180
Timber agents, duties, compensation, etc.; construction of law	1929	348
TRIALS		
Calling of jury to jury box for trial of cases, statutory requirement	1957	426
Challenges; small claims court; applicable	1953	50
Circuit court; held away from county seat; legality	1955	624
Counsel fees indigent defendant; noncapital case; county commissioners not authorized	1949	606
Criminal		
Cases, suppress evidence, admissibility; seized contraband, introduction	1955	31
Jurisdiction; justices of the peace	1941	62
Modify sentence, power of trial judge	1953	708
Small claims court; jury venire, pay of jurors	1953	46
Subsequent statutes, not affected by	1921	282
Trout See: SALT WATER FISHERIES; FISH AND FISHING		
TRUCKS		
See also: BUSES AND TRUCKS; MOTOR VEHICLES		
Classification and definition	1939	482
Distinction between private, and those registered by railroad companies	1939	415
Drivers, hours of service	1935	797
Fish dealer's license and motor vehicle license, if owners subject to payment	1931	373
Grove water tank; operator, driver's license	1951	484
License, for hire		
Liability	1927	166
		360
Tag, when required	1931	1015
National convoy and trucking company and Blue's truck line, in re mileage tax due	1931	309
Night operation; regulations	1941	407
Private corporations, when used by should not be classed as for hire	1929	162
Private use rates applicable	1931	388
Refund of license tax not authorized	1931	1029
Speed; regulation by O. P. A.	1941	376
Weight and speed	1935	566
TRUST COMPANIES		
See also: CORPORATIONS; BANKS AND TRUST COMPANIES		

Subject	Year	Page
TRUST COMPANIES (cont.)		
Assets, delivery by state treasurer pursuant to circuit court order	1941	751
Capital stock, certain per cent must be deposited with state treasurer	1927	212
Corporation act 1925, not affected by	1925	167
Deposits with state treasurer; war damage insurance on mortgaged property	1941	750
Insurance; foreign; qualifications to do business in Florida	1949	559
Mortgages deposited with state treasurer as collateral, defined	1927	214
Provisions of senate bill No. 286, acts 1927	1927	176
Securities, deposits; requirements	1927	178
Title insurance; issuance; license and certificate of deposit	1941	722
Trust companies and banks See: BANKS AND TRUST COMPANIES		
Trust deeds; statute construed	1925	239
TRUST ESTATES		
See also: TAXATION		
Corpus		
Income returned for taxation when belonging to eleemosynary institutions but life income reserved or willed	1937	546
Taxation; income, use of for tax exempt purpose	1953	212
Liquidator's expense, pro rata part should be borne	1931	270
Trust securities See: SECURITIES		
Trust, use of word in name of corporation See: CORPORATIONS		
TRUSTEES		
Compensation	1919	295
Corporation, nonprofit; as executor; deeds of trust; authority	1949	514
County hospital trustees' annual request for funds; showing of cash-on-hand balance in fund	1957	361
Federal savings and loan association; deposits by guardians, curators, etc.; eligibility as permitted by law	1957	45
Institutional as; savings bank; foreign corporation; real estate mortgages	1949	512
Qualifications; when relieved of obligation	1931	769
School See: Trustees of school districts under SCHOOLS		
Trustees, Caloosahatchee Improvement District	1933	626
Trustees, county bonds See: County bonds under BONDS		
Trustees, internal improvement fund See: INTERNAL IMPROVEMENT FUND;		
TRUSTEES OF INTERNAL IMPROVEMENT FUND		
Island in St. Johns river, may lease	1933	607
Lease on properties of certain lands, authority to sell	1933	604
Trustees special tax school districts See: Trustees of school districts under SCHOOLS		
TRUSTS		
Ad valorem taxation of trust properties, liability	1955	909
Cashier of bank, designation as trustee descriptio personae	1941	752

Subject	Year	Page
TRUSTS (cont.)		
Charitable trust, real property held for future use; taxability	1957	142
Common law trust		
Certain agreements by; declaration, constitutes	1955	669
Provision does not apply, certain	1925	136
Eleemosynary foundations, nonprofit organizations	1959	121
Foreign banks, trust powers; transaction of business in state; qualification, requirement	1955	919
Funds		
Aircraft registration fees; mileage tax refunds	1949	379
Boards, commissions and agencies; regulatory fees	1951	437
Charitable purposes; intangible personal property tax	1949	218
Continuing appropriations repealed; employment agency act; elevator inspection	1949	337
Interest, disposition under will	1937	254
Investments		
Authority	1937	630
Bank	1935	297
Executors, administrators, trustees or guardians, held by; construction of law	1937	630
Mortgages; construction of statute	1931	856
Motor vehicle commissioner; establishment	1951	472
Retirement and benefit plans for employees of corporate or private industry; tax exemption	1957	64
Service charge allowed comptroller's or treasurer's office for handling	1959	429
Social security administrative assessments; deposits	1951	552
Special employment security administration fund; unemployment compensation special funds	1949	443
State chartered trust companies; deposited by	1933	302
Status at time bank closes	1929	218
Grave care, ad valorem tax situs	1957	43
Held outside of state subject to intangible personal property assessment	1937	543
Ice, regulating price	1917	474
Income paid to certain persons; religious, charitable, etc., purposes; tax situs	1955	909
Intangible personal property tax, not subject to	1937	537
Investments in real property trusts as securities subject to regulations	1957	340
Land trusts, interest of beneficiary in state; nature	1955	828
Personal or real property held for benevolent or fraternal institution; tax liability	1957	73
Real property held in trust; homestead exemption claimed; liability for assessment	1955	104
Taxability	1941	211
One of trustees nonresident	1939	480
Trust estates; intangible tax law, status	1931	898

Subject	Year	Page
TRUSTS (cont.)		
Trustees' title to real property; rights of cestui que trust, homestead tax exemption	1955	496
Use of word in name of corporation	1933	552
		553
tuberculosis board, state See: State tuberculosis board under TUBERCULOSIS		
HOSPITALS		
TUBERCULOSIS HOSPITALS		
Appropriation		
Construction		
Branch sanatoriums; effective date	1947	615
State building fund	1945	525
Equipment and construction; state tuberculosis board; power	1949	419
Use of unexpended balance	1945	524
Colored female convicts; use for work	1943	512
County commissioners may contract for beds	1935	233
Motor vehicle, purchase	1941	124
Trucks; fund from which payable	1945	527
Naturalized wife of Florida citizen; entitled admission	1949	419
Patients		
Admission		
Expenses; county responsibility	1951	525
	1953	451
		457
Payment	1951	523
Prerequisites	1941	528
Residence requirements	1943	358
	1953	453
Semi-indigent patient; without approval of county	1943	358
Commitment orders; county judges; fees	1949	58
Communicable stage; compulsory isolation	1947	430
Consent to surgical treatment	1937	490
Departure against physician's advice	1937	490
Escaped patient; return; responsibility	1949	420
Indigent; contributions by county to hospitalization	1947	429
Naturalized wife of citizen; admission	1949	419
Quarantine and isolation	1943	351
Recalcitrant, detention; authority of board	1953	455
Recommitted, sheriff cost; county responsibility	1951	526
Residence requirements	1953	453
Determination by state tuberculosis board	1941	529
Revenue certificates, authority of state tuberculosis board to issue for construction, equipment, etc.	1951	524
State tuberculosis board		
Appropriations	1935	407
	1949	419
Out-patient department, without authority to expend for establishment	1937	486

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
TUBERCULOSIS HOSPITALS (cont.)			TURNPIKE AUTHORITY, FLORIDA		
State tuberculosis board (cont.)			STATE (cont.)		
Appropriations (cont.)			Title insurance, competitive	1955	231
Transfer of funds			bidding		
Comptroller; authority	1937	487	Utilities, cost of removal or re-	1953	417
Effective date	1947	615	location		
Unexpended balance, use	1945	524	TURPENTINE		
Care of patients, reimbursement			Assessment of turpentine privileges,		
for by county; authority	1933	439	required	1905	198
Compulsory hospitalization of			Farmers and naval stores operators		
tubercular persons	1947	430	not entitled to benefits under		
Contracts; bids; advertising not			workmen's compensation law	1939	376
required; low bidder	1949	419	Lease, necessary for guardian to		
Donations should be remitted to			advertise before making	1933	521
state treasurer	1937	489	Tax	1907	38
Employees			TURTLES		
Group insurance premiums;			Green, closed season; taking; regu-		
payment	1945	524	lations	1951	515
Workmen's compensation,			Shipment	1941	509
waiver of certain benefits	1953	478	Tyndall air force base; criminal of-		
Fees collected should be remit-			fenses; state courts, jurisdiction	1953	701
ted to state treasurer	1937	490	TYPEWRITERS		
Funds for repairs, etc.; authority			Agents; license for each county	1915	266
to expend	1937	485	Repairs; agent required to pay		
Furniture; previous order without			license tax	1931	707
bids	1949	419			
		420			
Medical staff; exemption from					
basic science examination	1947	121			
Nurses' scholarship program, es-					
tablishing; authority	1953	454			
Post mortem examinations	1937	490			
Powers and duties, under 1955					
act	1955	167			
Property					
Acquisition by board tanta-					
mount to acquisition by					
state	1945	526			
Power to purchase subject to					
forfeiture provision	1947	431			
Tuberculosis; tuberculin test on					
children; written consent of					
parents required	1959	415			
TUITION					
Application of law	1931	715			
Florida state college; nonresident	1939	294			
Superintendent public instruction					
not authorized to pay from special					
tax school district funds	1927	299			
Turf flash; horse racing; dissemination					
of information; license tax exemp-					
tion	1957	923			
TURKEY SHOOT					
Gambling or betting; legal or il-					
legal	1949	586			
Prize awards; legality	1955	451			
TURNPIKE AUTHORITY, FLORIDA					
STATE					
Advancement of funds; engineering					
services by state road department;					
legality	1957	28			
Central commissary, access road					
built, authority	1955	430			
Concessions for operation of restau-					
rants, granting; authority	1953	417			
	1955	430			
Highway patrolmen assigned; sal-					
aries and expenses, payment	1955	836			
Public printing; publication for					
bids	1955	61			
Purchase of material for public use					
from members; legality	1955	27			
State road department, advance-					
ment of certain preliminary ex-					
penses; authority	1953	418			

<u>Subject</u>	<u>Year</u>	<u>Page</u>
Undertakers and embalmers See: FUNERAL DIRECTORS AND EMBALMERS		
Unemployment bureau; board authorized to employ a person to work with federal government	1931	555
UNEMPLOYMENT COMPENSATION LAW		
Administrative expenditures of division; approval, procedure	1937	321
Agricultural labor exempt	1937	312
Application and construction	1937	312 313 323
Approved claimants, identification necessary	1939	345
Collateral security for bank deposits	1939	365
Construction	1939	348 352
Contributions		
Accrual, first on January 1, 1937	1937	314
Collection		
Estate of decedent taxpayer	1941	586
Issuance of warrant	1939	353
Nonresident	1943	388
Delinquent		
Claims	1949	445
Compromise	1947	446
Interest charge; computation	1937	315
Corporation property and business, lease to individual owning corporation	1937	318
Declaratory judgment action, authority to institute	1945	157
Delinquent assessments; collection, in other states	1943	388
Director		
Appointment	1939	368
Governor without authority to appoint	1937	312
Disqualification; effect of right-to-work amendment	1945	560
Dissolved corporation; liability for contributions	1941	588
Effective date	1937	319
Employees		
Administrative; residence requirements	1941	591
Residence requirements	1949	445
State wage tax	1943	382
Two or more employers	1943	381
Wage tax, disability benefits; validity	1951	557
Employers		
Books, examination; industrial commission	1943	383
Contributions; subjection of homesteads to payment	1941	585
Foreign state; records transferred; lower experience rating, eligibility	1951	562
Salesman; relationship	1951	560
Status under 1955 amended law	1955	205
Employing unit; termination of coverage; time for making application	1941	592
Employment record, transfer	1943	389
Employment service		
Indebtedness	1937	316
Office; commitment under rental lease; lack of appropriation, no liability	1953	483

<u>Subject</u>	<u>Year</u>	<u>Page</u>
UNEMPLOYMENT COMPENSATION LAW (cont.)		
False statements; evidence and procedure; prosecution under §18	1941	597
Florida industrial commission		
Agent, when director of unemployment compensation division authorized to act as	1937	321
Claims; delinquent contributions	1949	445
Declaratory judgment suit; authority to institute	1945	157
Expense allowances	1951	547
Members, compensation for additional duties	1939	364
New benefit year; adoption regulation No. 55; cigar workers	1949	444
Rules, interpretation	1937	323
Funds, veterans and federal employees; bond of state treasurer, relation to	1957	68
Future administrative interpretation, legislative adoption	1941	596
Interstate benefit payment plan; power of industrial commission to enter into	1947	444
Irregularly paid workers, unemployment compensation benefits, payment in view of provisions of chapter 59-55	1959	224
Life insurance soliciting agents, status	1937	322
Merit rating system; contribution rate, effective date of change	1941	583
Partnership, status under §3-G	1937	320
Payments to former employees in military service; not construed as wages	1939	363
Practice before commission; regulation	1943	383
Property, personal and real, bids on; sheriff's sale under tax warrant; commission authority	1953	481
Proposed federal law, effect	1945	558
Prosecutions; indictments and information; trial	1941	598
Refunds; adjudication and payment	1943	385
Requisitions on United States treasury; appointment of persons to sign	1939	346
	1941	594
Salesmen, employees; relationship	1951	560
Special		
Employment security fund; availability of for operating expenses; legality	1957	74
Funds; trust funds or continuing appropriations	1949	443
State warrants, cancellation after certain period; method of handling by state	1955	804
Successor in interest, liability when substantially all assets acquired prior to June 9, 1937	1937	319
Supplemental benefit plan; contribution	1955	699
Tax warrants		
Costs, posting bond, recording	1943	387
Execution, duty of sheriff	1945	560
Taxes, estopped to collect under certain circumstances	1941	595

<u>Subject</u>	<u>Year</u>	<u>Page</u>
UNEMPLOYMENT COMPENSATION LAW		
(cont.)		
Unemployment trust fund; cancellation of state warrants, method of handling by state	1955	804
Veterans' readjustment assistance act, state treasurer, official bond in relation	1951	566
Wages, definition; taxability of payment of difference between civilian and military pay	1939	363
Warrant proceedings; third party claims	1941	600
Work records; authority to copy	1943	382
Uniform crop agreement; documentary stamp tax on	1933	38
Uniform interstate extradition; prisoner serving term in Florida; waiting trial in another state; return of	1955	538
Uniform limited partnership law		
See: LIMITED PARTNERSHIP		
UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT		
See also: SUPPORT OF DEPENDENTS		
Clerks' fees, payment	1955	295
Needy parents outside state, action against Florida resident for support of	1957	313
Nonsupport of ex-wife, extradition	1955	887
Procedure, costs; insolvent petitioners	1955	269
UNIFORM SALE OF SECURITIES		
See also: SALES; SECURITIES		
Commission, payment in full authorized in certain transaction	1939	383
Securities deposited in escrow, withdrawal to reduce impairment of capital stock	1939	383
Security, transaction constituting	1939	381
Transactions, not exempt	1937	382
Uniform support of dependents law		
See: SUPPORT OF DEPENDENTS;		
UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT		
Unincorporated associations; practice of medicine; legality of organization	1959	385
UNION COUNTY		
Guard and servant kept at jail, liability	1939	64
Lands owned by state; taxation	1947	182
Race track moneys, distribution	1939	554
State prison farm lands, taxation	1947	183
Tax assessment, portion subject to	1953	1
Unions See: LABOR; LABOR UNIONS		
UNITED STATES		
See also: FEDERAL GOVERNMENT		
Aid		
Education; regulations relating to acceptance	1947	353
Hospital construction; effect of acceptance	1947	14
Air safety regulations; enforcement by state	1947	586
Army, dishonorable discharge from, does not bar citizenship qualifications	1933	542
Barbers and barber shops located on United States military bases in Florida, enforcement of state laws	1955	663
Bonds, territorial; exempt from state and local taxation	1959	41

<u>Subject</u>	<u>Year</u>	<u>Page</u>
UNITED STATES (cont.)		
Buses owned by United States; contract for use by board of control	1947	340
Certain lands, acquiring jurisdiction; description	1947	11
Common carriers of mail, for hire license	1935	561
Constitution; child labor amendment	1937	614
Courts		
Foreign surety companies must comply with §§6290-6308 C. G. L. 1927 in writing personal appearance bonds in	1933	479
Judgments and decrees of, clerks, state circuit court, upon presentation, required to record	1933	523
Documentary stamp taxes, written obligations to pay money to; liability	1955	761
Everglades national park; conveyance of lands; trustees internal improvement fund	1949	333
Federal employees as state employees under state retirement; eligibility	1955	803
Florida lands, patents from United States government to, unnecessary to record in counties	1904	28
Governor of Florida; authority; deed of cession to United States	1949	20
Land banks, etc.; exemption of stock from intangible tax	1947	242
Lands owned by; not subject to taxation; erroneous assessment	1905	39
Laws, incorporation in state statutes by reference	1935	759
Mail transportation; privately owned motor truck; license	1949	365
Medical officers in United States army and navy examinations	1935	478
Mortgage to United States; intangible tax	1947	243
Motor vehicles, license plates; payment of fees by officials	1931	883
	1933	68
Municipal building, leasing of; tax situs	1959	88
Penal institutions; regulation of production and distribution of milk and milk products	1947	473
Postal savings funds deposited in state banks; security	1947	570
Property lost; custody national guard; payment general expenses; military department	1949	331
Racing laws, application to property of	1935	488
Real estate mortgage form "FHA-967, 8"; recording tax; exemption	1955	646
Rent controls; binding effect upon state agencies	1947	340
Reserve bank; deposits of state owned securities; insurance coverage by state treasurer	1947	19
Safekeeping receipts acceptable to state treasurer	1947	15
		16
		17
		19
		429

<u>Subject</u>	<u>Year</u>	<u>Page</u>
UNITED STATES (cont.)		
Small claims court; jurisdiction of causes of action arising on federal property	1957	387
Special milk program; state department of public welfare; administration	1955	832
State		
Hospital plan; racial segregation	1947	417
Warrants, acceptance of endorsement by representative of United States treasury department; payment	1955	824
Supreme court; tideland decision; sponge fishing industry; state's right to regulate	1949	410
Treasury certificates of indebtedness; taxation, exemption	1953	262
Veterans' bureau, public officials should furnish their records to, without cost	1933	588
United States commissioner; justice of peace serving as; prohibited	1951	61
United States forest service; game and fresh water fish commission; cooperative agreements; authority	1953	424
UNITED STATES MARSHAL		
See also: FEDERAL GOVERNMENT		
Sheriff or deputy sheriff, appointment; eligibility	1953	26
United States naval airbase, Duval county; conveyance, Camp Foster	1939	223
United States naval reservations; taxes, state not authorized to collect	1929	224
United States officials See: FEDERAL GOVERNMENT		
UNITED STATES POSTAL DEPOSITS		
Preference, entitled to when deposited	1925	198
Preferred claims, if considered as	1925	291
United States president and vice president; candidates See: ELECTIONS		
United States public health service milk ordinance; municipalities may adopt by reference	1939	307
United States savings bonds; teachers' retirement funds; investments	1941	315
United States treasury; requisitions under unemployment compensation act, appointment of persons to sign	1939	346
United States veterans bureau; certified copy of record, public officials to furnish free of charge	1929	406
University of Florida See: STATE UNIVERSITIES		
UNIVERSITY OF MIAMI		
Anatomical board		
Current operating budget, establishment	1953	345
Medical students; residence requirements	1953	342
Transfer of bodies	1953	345
Marine laboratory, fisheries research contract	1953	435
University of South Florida See: STATE UNIVERSITIES		
Use taxes See: SALES AND USE TAX		
Used car dealers See: Secondhand car dealers under MOTOR VEHICLES; TAXATION		
USURY STATUTES		
Interest in advance, cash discount or bonus; long and short term loans; violation	1955	888

<u>Subject</u>	<u>Year</u>	<u>Page</u>
USURY STATUTES (cont.)		
Mortgage brokers, fees and commissions in excess of legal interest; whether violative of	1959	238
UTILITIES		
Excise tax See: MUNICIPALITIES		
Florida Turnpike act; cost of removal or relocation	1953	417
Utility board See: PINELLAS UTILITY BOARD		
Utility taxes; lime and avocado commission; payment	1955	588

Subject	Year	Page	Subject	Year	Page
Vacancies; public offices See:			VENUE (cont.)		
ELECTIONS			Game and fresh water fish commission,		
VACCINATION			prosecutions of violators of laws,		
Compulsory			rules and regulations in relation		
Prerequisite to admission to in-			to lakes, rivers, etc.	1957	153
stitutions of higher learning	1947	342	Peace bond proceedings	1943	130
When may be, etc.	1917	447	Property removed from state without		
Van Norden trust company of New York;			consent of seller; retain title con-		
state bank deposit with; reserve fund,			tract	1947	588
requirement by law	1904	26	Prosecution for uttering worthless		
Variety performances; license tax,			check	1945	736
construction of law	1929	315	Verdict; justice of the peace not au-		
Vault charges; under small loan law	1933	598	thorized to direct	1927	379
Vehicles See: MOTOR VEHICLES			VERO BEACH, CITY OF		
VENDING MACHINES			Benefits; cigarette tax revenue; re-		
Citrus juice with sugar added; li-			duction; debt service millage;		
cence taxes; exempt	1949	263	required	1949	276
Coin operated; cigarettes; licenses			Registration books of county; open-		
required	1949	264	ing and closing	1949	83
Council for the blind; powers	1947	433	VESSELS		
Disabled veterans; extent of ex-			See also: BOATS; HARBOR MASTERS;		
emption from license tax	1947	267	YACHTS		
Gambling, when used for	1929	392	Commercial boats outside terri-		
Installation			torial waters, sales of tangible		
Courthouse; authority of county			personal property; sales and use		
commissioners	1947	149	tax	1953	299
Florida council for the blind;			Criminal warrants, service aboard	1945	129
public buildings	1949	428	Foreign; ad valorem taxation	1947	182
Licenses	1929	376	Harbor masters' fees for indirect		
	1933	18	services	1945	480
Milk, exemption from license tax	1959	147	Old; disposal of, by port commis-		
Operation; legality	1929	341	sioners; authority	1931	368
		350	Out-of-state corporation engaged in		
Sale of trip insurance through; va-			interstate commerce; tax situs	1904	31
lidity under laws of state	1957	210	Salt water fisheries, license tax re-		
Vending stands; Florida council for the			quired	1953	439
blind, operation; fire insurance fund;			VETERANS		
eligible for coverage	1949	340	See also: LICENSES AND LICENSE		
VENEREAL DISEASES			TAXES		
Abatement in public places of nui-			Admission of spouses to university		
sances traceable to; power of			and college for women	1945	440
hotel commission	1941	661	Aid	1935	421
Compulsory treatment					811
County jail	1945	522	Alien world war; license required	1935	69
Prosecution	1943	354	Allied armies; tax exemptions	1949	266
		355	Assistant service officer; employ-		
Confidential nature of reports to			ment authority	1949	342
state board	1947	420	Barbers		
Infectors; arrests by sheriff	1941	31	Credit for training in armed		
Military force; service rejection;			forces	1945	591
enforced treatment	1943	354			592
		355	Payment of tax required	1931	881
Persons infected; arrest, isolation			Registration fee required	1931	833
and treatment	1941	525	Beauty culture law; registration		
Prisoners; transportation; sheriff's			fees	1941	648
fees, Lake county jail	1949	415	Bingo games; social, diversional		
Quarantine hospitals			pastimes; gambling	1949	583
Commitment; procedure	1943	349	Business operation in two or more mu-		
		353	nicipalities, license exemption;		
	1945	119	limitation	1959	409
Purchase of motor vehicles	1943	343	Certain property not exempt	1931	954
Transportation of infected persons;			Certificates of separation; recording	1945	107
payment	1943	352	Certified copies of records; fees		
		357	of clerk	1945	232
State health officer; delegation of			Change of party affiliation; time of		
authority to isolate	1941	516	registration	1945	181
Venetian causeway; ad valorem taxes;			Cigarettes, gifts to veteran's hos-		
assessment; Dade county	1949	237	pital patients	1945	370
VENUE			Chief of rehabilitation, position;		
See also: CRIMINAL PROCEDURE			not professional or scientific	1955	87
Actions ex contractu, replevin pro-			Children of; appropriation for edu-		
ceedings; small claims courts	1955	189	cation	1935	421

Subject	Year	Page
VETERANS (cont.)		
Citation of statute	1935	800
Civil service preference; promotion- al examinations	1951	446
Confederate; license exemptions, peddlers'; public hack or dray	1904	68
Peddling without license	1923	158
Pensions		
Incompetency; pension war- rant to guardian or curator	1949	342
Renewal after absence from state	1945	474
Widow; eligibility	1945	474
County service officers; employment; number	1945	476
Deceased		
Educational assistance for child- ren	1941	368
Occupational licenses; unre- married widows' exemption	1949	269
Department of veterans' affairs		
Assistant state service officers; increase in salaries	1947	378
Change from state veterans' com- mission; effect	1947	377
Former state employee; liability of state for involvement with woman	1947	628
Liability insurance; not required	1949	342
Members; title; powers	1947	377
Rules and regulations, filing with secretary of state	1955	528
Technical and medical consult- ants; employment; salaries	1947	378
Disabled		
Ad valorem taxes, exemptions; effective date of 1957 acts	1957	269
Amputee, license plates; exemp- tion	1951	475
Barbers		
Registration fees; exemption	1951	586
Tax under barber's law; pay- ment required	1931	881
Cigarette permit fee	1945	369
Device permits; liability for fees	1949	262
Disability preference points; retroactive; promotional ex- aminations	1951	446
Disabled American veterans' or- ganization; pugilistic ex- hibitions	1933	633
Exemptions	1929	180
	1931	356
	1935	57
	1945	774
	1947	177
	1945	776
Additional to homestead		
Eligibility; tax collector to decide	1931	847
Gasoline dealers	1927	196
Property	1949	227
Certain	1957	646
Florida industrial commission; merit system; appointments; preference	1949	440
Licenses		
Exemptions	1927	448
	1931	846
		861
	1947	267
		268
	1953	288
Amount	1945	350
	1949	264

Subject	Year	Page
VETERANS (cont.)		
Disabled (cont.)		
Licenses (cont.)		
Exemptions (cont.)		
Automobiles for hire	1953	288
Barbershop; limitation	1951	325
Business, combined opera- tion; limitation	1951	326
Fur and hide dealers	1929	274
Korean war veterans	1953	278
Law, practice	1931	846
Limitation	1951	325
		326
		588
Bona fide residents of state	1933	9
Motor vehicles	1931	387
Opticians	1949	268
Outdoor advertising	1949	262
		265
Limitation	1951	588
Requirements	1951	328
State hotel commission	1949	261
Tip sheets	1957	923
Workmen's compensation	1953	486
World wars I and II veterans	1949	263
Free, when entitled to	1931	575
Granting largely matter of practical application	1931	850
Hunting; liability	1931	881
Salt water fishing; liability	1953	437
Seafoods, dealer; liability	1939	453
Manual labor, unable to perform; exemption; helper allowed	1949	268
Merit system		
Furnishing of certain informa- tion	1953	382
Preference; promotional ex- aminations	1949	344
Mortgages; assets; not acceptable to qualify foreign insurer	1949	523
Poll tax; exemption	1927	400
	1929	366
Public records; certified copies free	1949	343
Retired; tax exemption	1951	328
Wife; employment preference, eligibility	1951	447
Discharges		
Dishonorable; effect upon civil rights	1947	69
Honorable; effect on lost civil rights	1945	167
Recording; making certified copies; fees	1945	106
		478
Documents, certified copies; fur- nishing more than one copy by clerk	1953	380
Elections; registration	1945	164
Exemptions	1923	256
	1927	270
	1931	673
		676
Constitutional	1941	160
Construction and differentiation of statutes	1931	667
Eligibility	1931	681
		755
		771
Florida pure seed labeling law, not entitled under	1939	454
General	1927	456
Homestead and statutory	1935	71

Subject	Year	Page	Subject	Year	Page
VETERANS (cont.)			VETERANS (cont.)		
Exemptions (cont.)			Licenses (cont.)		
Proper application	1929	274	Granting, largely matter of practical application	1931	850
Residence	1935	55	Half-year license, extent of credit allowed	1957	289
Statutes enumerated	1935	54	Liability	1931	707
Statutory privileges	1935	55		1945	600
Tax collector to decide if entitled to	1931	847	Not transferable	1927	457
Former position or office, right to	1945	220	Organization operating amusement devices	1947	272
		222	Peddlers', method of obtaining and restrictions	1931	707
		223	Widows, not exempt	1931	835
		224	Merit system, professional and scientific services, certain position classed as	1955	55
Free textbooks; appropriation	1945	225	Mutual ownership corporation; homestead exemption	1947	196
Game and fresh water fish statute, not exempt from payment of fees under	1939	457	Nonresident; beauty culture, examination fee, liability; license without examination; eligibility	1951	587
Guardianship law; proceedings; fees	1943	306	Organizations; scope of lottery laws	1945	730
Homesteading			Poll tax, when exempt	1931	660
County lands available	1945	450	Preference points, civil service and other examinations	1947	379
Establishing residence	1945	449		1953	381
Location; method	1945	450	Passing grades; residence requirements	1945	557
Occupancy requirement	1945	449	Rights in respect to promotion	1945	479
Taxation of entered lands prior to conveyance	1947	365	Property purchased with moneys paid by United States government; tax liability	1929	222
Hospital patients; gifts of cigarettes; tax	1945	370		1931	678
Hotel license fee; liability	1947	268			954
House and senatorial scholarships; eligibility	1947	345	Public record, certified copy without charge	1949	343
Hunting license, not exempt	1931	881	Pure seed labeling law, veterans not exempt from registration fee	1939	454
Insurance qualification fee; liability	1933	25	Qualification to vote; registration	1945	176
Job specification, chief of rehabilitation, position; not professional or scientific	1955	87	Readjustment assistance act; state treasurer official bond in relation	1951	566
Lewis scholarships; eligibility; method of payment	1947	348	Reemployment privileges as state employees	1955	171
Licenses			Reenlistment; homestead exemption	1945	284
Accountant's; applicant for; experience requirement	1945	588	Registration fee, not exempt	1931	976
Exemptions	1931	772	Rehabilitation; employment of county service officers by county commissioners	1943	183
		846	Reregistration as elector; exemption while in service	1945	161
		52			168
		57	Retention of positions, preference; layoffs; procedures	1959	321
		69	Retiring state employee; credit for period of military service	1945	207
		1941	Scholarships; eligibility	1947	345
		662			348
		1947	Seafood dealers, license exemption	1941	499
Beverage	1935	53			500
Department of Florida veterans, not allowed	1931	1063	Separation qualification records; recording	1945	106
Fish dealers	1931	389	Service office; county-municipal officer; county retirement benefits; eligibility	1955	542
Fishing	1935	638	Service officers		
Free; eligibility	1931	575	County		
Funeral directors and embalmers	1945	584	Authority of commissioners to provide for; procedure	1945	249
Game and fresh water fish statute, not allowed under	1939	457	Employment; number	1945	476
Hotel commission, not allowed under	1939	456	State; salary; payment	1945	476
Insurance agents	1945	349			
Korean war veterans	1953	278			
Law practice	1931	846			
Liquefied petroleum gas; not allowed	1951	322			
Motor vehicles	1931	387			
World war II amputee, limited to	1951	474			
Peddling	1905	176			
Sale of malt and vinous beverages, not allowed on	1933	22			

Subject	Year	Page
VETERANS (cont.)		
Slot machines, operation; license required	1935	53
Spanish-American war veterans		
Game and fresh water fish statutes, not exempt from payment of fees under	1939	457
Hotel commission law, not exempt from payment of fees under	1939	456
License not transferable	1927	457
State veterans' commission		
Appropriation; use of unexpended balance	1945	477
Change to department of veterans' affairs; effect	1947	377
Expenses; commissioning of employees as notaries public	1945	477
Lease of office space; execution; duration	1945	476
Service officer; salary; payment	1945	476
Tortuous acts of employees; liability	1947	377
Status with administrative boards; grace period	1945	600
Temporary university dormitories; contract for construction	1945	436
Terminal leave, compensation while on; assistant state attorney	1945	226
Uniform veterans guardianship act; certified copies of records, duty of public officers to provide	1929	406
Unmarried males; admittance to state women's college	1945	440
Unregistered; eligibility to vote	1945	161
Veterans' affairs, department of; membership, increase	1951	444
Widows		
License tax, not exempt from payment	1931	835
	1933	101
Wives		
Admission to university	1945	439
		440
Holder of Lewis scholarship; admission to university	1945	439
Legal guardian, may act as	1929	418
World war veterans' act, money from United States held by guardian not subject to intangible property tax	1935	59
Veterans' administration; contracts with board of control; rehabilitation	1947	368
VETERINARIANS		
Dangerous drugs; authority to prescribe	1945	604
		605
Examination by board of veterinary examiners, when subject to	1925	304
License; qualification requirements	1951	585
Livestock		
Board, employment	1933	391
Owners, employment by; qualification by state; requirement	1957	57
Registration as doctors not required	1927	247
Salary; race funds; Lafayette county State	1949	197
Arbitration, time allowed	1925	302
Employees; salaries, payment	1925	298
Salary	1935	499
Tick eradication		
Certain funds available	1925	274
		276

Subject	Year	Page
VETERINARIANS (cont.)		
State (cont.)		
Tick eradication (cont.)		
Time and manner of beginning	1925	275
VICTORY BONDS		
County school funds; investment	1943	269
State funds; investment	1943	237
Victory tax; state funds; payroll deductions	1941	799
Vinous and malt beverages See: ALCOHOLIC BEVERAGES AND LIQUORS		
VITAL STATISTICS, BUREAU OF		
Additional compensation by social security board to director, registrars and clerks	1939	309
Birth certificates		
Alteration; no authority	1929	267
Amendment	1941	522
Changing name; authority	1925	258
Child born after divorce of parents entitled to be registered as legitimate	1937	246
Copies	1935	481
Certified; fees	1935	484
Correction	1923	183
Delayed		
Alien resident	1945	522
Fee of county judge	1945	521
Funds received	1935	472
Allocation or appropriation; county commissioners' authority	1955	687
New		
Adopted person, issuance	1939	308
Issuance or substitution not authorized	1937	244
Person actually in attendance must sign	1933	439
Photostatic copies, fees for, to pay salaries of employees of bureau	1937	245
Sealed; opening	1943	353
Births		
Legitimacy of infants	1935	476
Manner of proof prior to 1915	1927	251
Records		
Preservation	1941	523
Requirements	1927	250
Burial transit permits	1941	638
Destruction	1947	418
Dead bodies, transportation	1941	510
Death certificates		
Coroner; county judges; sheriffs; duties	1949	415
		614
		615
Correction	1923	181
Death records, preservation	1941	523
Divorce records, microfilming and destruction; powers	1947	418
Embalmers' affidavits; disposition	1947	418
Fees		
Liability of state registrar	1941	524
Photostatic copies for; authority to use for salaries of employees	1937	245
Index cards, retention required	1939	313
Local registrar		
Date for interment, without authority to designate	1923	175
Not a state officer; may accept fees	1939	307

<u>Subject</u>	<u>Year</u>	<u>Page</u>
VITAL STATISTICS, BUREAU OF (cont.)		
Marriage license, custody of	1929	185
Nonresident undertaker, without au- thority to refuse burial or removal permit	1939	313
Physicians required to register	1929	267
Proxy marriages; recording	1947	420
Records; certification, rubber stamp signature	1941	523
Registrar, permits	1923	180
Searches of marriage and divorce files; fees	1947	584
State health building, construction	1937	2
Addition; authority to use fees	1937	244
State registrar; fees, disposition	1931	419
Unlicensed funeral directors; director of bureau without authority to re- fuse to accept certificates or is- sue burial permits to	1939	311
Vocational education See: SCHOOLS		
VOCATIONAL REHABILITATION PRO- GRAM		
Counselors for; subpoena issued by deputy commissioner to appear and testify in certain cases; re- quired to respond	1959	627
Effect of statute prohibiting misuse of records, etc.	1959	627
Voluntary health organization See: HEALTH		
Volunteer firemen See: MUNICIPALITIES		
VOLUSIA COUNTY		
Cattle; inspection areas not under quarantine; reimbursement to owners	1949	504
County commissioners		
Elisor, appointment; compensa- tion	1949	54
Mileage and other expenses, when payment authorized	1937	57
County funds, use for surveys in con- nection with election to relocate county seat	1959	176
Courts of record, designated	1957	532
Democratic executive committee; special primary election	1949	136 137 141
East Volusia county mosquito dis- trict; commissioners; manner of election	1949	416 418
Election; special referendum; ab- sentee voting	1949	112
Manatee or sea cow; permit, is- suanee	1951	517
School board; number of meetings; travel allowance for members	1959	536
Voting See: ELECTIONS		
Voting machines See: ELECTIONS		

Subject	Year	Page
WAGERS		
Horse racing; violations	1955	561
Public project contracts; disputes, settlement	1955	164
WAGES		
See also: SALARIES; WARRANTS;		
Specific head		
Assignments		
Agreements; documentary stamp taxes	1949	259
Chattel mortgages in one instrument; documentary stamp tax	1933	48
Governmental employees, by; not binding on employer	1959	224
Written; documentary stamp tax, subject to	1931	885
Corporation purchasing, within scope of small loan law	1933	598
Rate; construction contracts; secretary of state, determination	1955	79
Scale		
Board of control; duties; contract disputes; public buildings	1949	281
Laborers and mechanics; contracts specification, board of control; no conflict between federal agency and Florida rate	1949	281
Wahneta drainage district; taxation; game and fresh water fish commission lands, Polk county	1949	221
WAKULLA COUNTY		
Gas tax, distribution	1937	419
Health clinic, lease portion of; power of county commissioner	1955	242
Sinking fund, apportionment	1941	464
WALTON COUNTY		
County board of public instruction; liability on bond interest	1941	284
Tax collector as supervisor of registration; compensation; legality of commission	1949	88
Walton county bridge authority; acts of de facto officer authorized	1939	429
WAR		
Alcoholic beverages; hours of sale in municipalities; effect of cessation of hostilities	1945	637
Cancellation of annual educational meeting; effect		
Chiropractors	1945	570
Osteopaths	1945	568
Closing date of war established; teachers' retirement; membership service credit	1949	317
Defense units of state, power of governor to increase	1939	545
Disabled persons; tax exemption	1945	774
Emergency laws; time of termination	1945	75
Legal sales, effect	1941	1
Police officers' insurance and annuity fund; effect	1945	266
Time; sale of lands by county	1945	292
War assets administration; Florida board of forestry and parks; acceptance of lands for historic park authorized	1949	509
War ballots See: ELECTIONS		
War damage insurance; PWA dormitories, etc.	1941	334 363
War veterans See: VETERANS		

Subject	Year	Page
WARDENS		
Fires; forest protection; Florida board of forestry	1949	510
Game and fresh water fish commission		
Arrests; fees	1949	404
Officer; funds for investigation	1949	404
WAREHOUSES		
Distribution of intoxicating liquors, for; license required of corporation maintaining	1933	324
Field warehousing and storage of negotiable paper; legality	1947	574
Motor vehicles, classification, when operated by warehousemen	1927	271
Receipts		
Issuance and use of; construction of law re	1959	273
Securities, not classified as, under security law	1933	321
Whiskey, not securities	1937	374
Stock storage for export sales only, taxability	1959	772
Storage of intoxicating liquors in dry counties for sale in wet county	1939	139
Wholesale mortgage agreement; documentary stamp tax; liability	1955	309 374
WARRANTS		
See also: Warrants under DEATH;		
SCHOOLS		
Arrest		
Case dismissed; county judge not allowed fees	1949	607
Clerks, county judges' court		
Affidavit, authority to take	1955	299
Signing, without authority	1949	597
Constables; service in other districts	1949	69
County judge, when not authorized to endorse	1927	366
Endorsement of justice of peace warrant by county judge of another county	1935	261
Fugitive		
Execution by police officer; authority	1953	684
Issuance by justice of peace; jurisdiction	1955	91
Highway patrol officer, warrant issued by; subsequent warrant issued by county judge unnecessary	1953	391
Invalid on face; refusal of sheriff to serve	1945	733
Issuance		
Duplicate	1931	618
Without complaint filed	1913	198
Jurisdiction; constables; non-resident county	1949	600
Justice of peace, issued by; execution by municipal police officer; legality	1953	684
Magistrate before whom prisoner is to be taken, without warrant; costs	1945	144
Multiple; sheriff's fees	1947	40
Municipal court		
Issuance by; service outside city limits	1945	265
Service in foreign counties; authority	1951	265

<u>Subject</u>	<u>Year</u>	<u>Page</u>
WARRANTS (cont.)		
Arrest (cont.)		
Municipal court (cont.)		
Sheriff, service by	1947	172
Municipal police officers; arrest without warrant		
Aid at request of highway patrolman; authority	1955	492
Outside city limits	1947	593
Nonresident county, when may be served in	1931	999
Parole violators, arrest upon telegraphic request	1945	125
Police officers, service by; authority beyond city limits	1935	697
Service aboard vessels	1945	129
Service on Sunday; legality	1955	917
Sheriff to make copies	1927	373
State courts, issued by; municipal police officer without authority to execute	1951	46
Subsequent procedure, without warrant	1947	592
Two copies, justice of peace not required to make	1927	373
Without warrant; constables authorized	1949	599
Beverage department, supervisor; service of; authority	1953	559
Conservation officers, execution	1937	345
	1949	399
	1953	442
County		
Certain Calhoun county warrants; legality	1917	293
Deposit with various depositories	1927	194
Interest, payment; county commissioners not authorized to promise	1931	515
Payroll warrants, approval by commissioners prior to end of period; legality	1959	570
Signing with rubber stamp	1935	238
Stolen after endorsement, stop payment	1951	28
Use in paying taxes	1917	255
County judge's court, judgment and sentence; endorsement on	1959	272
Credited to operating fund, industrial plants	1925	84
Endorsement		
Pensioner, by	1935	727
Person endorsing in name of payee, guarantee of authority	1941	754
Executing in preliminary hearing, county liable for costs	1939	65
Federal funds deposited with state treasurer	1935	761
Florida state mid-winter fair association; warrant issued in favor of treasurer; authorized by law	1905	62
Issuance, expense; comptroller authorized to pay	1939	1
Justice of peace		
Breach of peace; issuance of warrant; authority	1955	867
Deputy, appointment; authority	1945	740
Financial responsibility law; issuance of warrant; service by constable	1955	712
Issuance; summoning coroner's jury	1949	616

<u>Subject</u>	<u>Year</u>	<u>Page</u>
WARRANTS (cont.)		
Justice of peace (cont.)		
Service by sheriff of second county; return of prisoner by constable and guard, compensation	1959	489
Worthless check statute; issuance of warrant; authority	1955	811
Land purchased by board of forestry and parks; duty of comptroller	1945	653
License taxes; collection; coin-operated machines; violation	1949	261
Lost, payment procedure	1941	9
Old age assistance; cancellation, reissuance	1943	373
Payment		
Death of payee prior to endorsement but after transfer; rights of transferee	1941	753
Operative date of five funds act	1945	101
Peace; county judges authorized issuance; counties containing justice of peace	1949	64
School depository banks, payment	1947	154
Search warrants See: SEARCHES AND SEIZURES		
Service aboard vessel	1945	129
State		
Cancellations; accounting method	1951	28
Deceased state employee; issuance of salary warrant	1933	613
Duplicate; responsibility of comptroller; treasurer	1943	98
Endorsement		
Method	1945	725
Representative of United States treasury department, by; acceptance; payment	1955	824
Form, changes; requirements	1949	29
Secretary of state should return to comptroller	1931	296
State unemployment trust fund; cancellation of warrants; method of handling by state	1955	804
Statutes of limitations; application; reissuance under §17.26, F. S.	1957	234
Stolen after endorsement, payment	1951	27
		28
State unemployment trust fund; cancellation of warrants; method of handling by state	1955	804
Teachers' salary fund		
Assignment	1941	289
Form	1945	421
Payment, group insurance; school bus drivers	1943	161
Signature by rubber stamp	1941	301
Worthless checks		
Justice of peace, warrants issued by, without deposit; authority	1957	859
Out-of-state check, authority to issue warrant; goods delivered out-of-state; jurisdiction	1955	897
Warranty deed, state road department empowered to acquire by condemnation proceedings See: CONVEYANCES; DEEDS		
WASHINGTON COUNTY		
Bonds, surplus gas tax funds, distribution, procedure	1941	465
Sheriff's fees; feeding prisoners	1949	190

Subject	Year	Page
WASHINGTON COUNTY (cont.)		
Superintendent of public instruction; salaries provided in certain chapters; effective date	1959	463
WATCHMAKERS' COMMISSION, FLORIDA		
Members		
Dual capacity, as employee of commission; legality	1957	483
Per diem and mileage expenses	1957	483
Watchmen, authority to go armed	1917	143
Water and sewer systems regulatory act; effective date	1959	344
WATER AND WATERWAYS		
Changing or restraining flow of water courses; liability	1929	419
Flooded areas; power of county commissioners to drain	1945	503
Foul water; dumping outside city limits not allowable	1949	416
Fresh and salt water; lines of demarcation	1945	513
Lakes		
Bottoms; ownership, taxation	1947	178
Level control by soil conservation districts	1947	513
Phosphate pits; jurisdiction of game and fresh water fish commission	1947	402
Pollution		
Enforcement of laws; state board of health; game and fresh water fish commission	1949	400
Obstruction of streams by phosphate plants	1911	41
Private corporation furnishing to public; state road department permit for mains along highway	1949	380
Public		
Health preservation; installation, fluoridation system	1949	414
Taking by private industry from; conditions precedent	1955	608
Rights-of-way, spoil areas, etc.; acquire and furnish for public waterway, etc.; county commissioners, authority	1957	375
St. Johns county; salt water fish; taking; regulations	1949	411
Shell fish law, jurisdiction over tidewaters of state	1915	203
Streams, etc.; lands adjacent; public fishing, hunting and travel	1949	574
Subdivided lands now below normal high tide; taxation	1947	178
Survey and research; Biscayne Bay; Dade county; federal projects	1949	408
WATER BOTTOMS		
Conveyance by state, tax assessment	1955	460
Fencing; legality	1923	243
Filled-in lands contiguous to upland; title	1955	343
Lease		
Application pending at time of passage of law, validity	1933	500
Forfeited	1923	160
State board of conservation has exclusive power	1933	499
Oysters and clams, leasing and cultivating for growing	1931	390
Purchase, method	1923	287
Water conservation area; tax liens; parcel of land; part payment	1949	240

Subject	Year	Page
Water control authority; state owned land, use of by local water control authorities created by special acts	1957	321
WATER DISTRIBUTION SYSTEM		
County commissioners		
Exclusive franchises, without authority to grant	1949	176
Power to grant franchise	1947	139
Franchises		
Exclusive; county commissioners without authority to grant	1949	176
Granted by municipality; right of municipality to purchase	1955	711
Power to grant	1947	139
License tax, when companies exempt from paying	1929	218
Municipal bonds, issuance; validity	1905	51
Water resources study commission, Florida; per diem and travel expenses, payment	1955	698
Water works revenue certificates; investment for state banks, legality	1937	16
Watermelon seed See: SEED LAW		
Weapons and firearms See: FIREARMS AND WEAPONS		
Weather forecasting; appropriation	1935	415
Weighing machines; license tax, replacing or operating	1931	987
Weight committee; regulation of traffic on highways; hearing of complaints; legality	1955	558
WEIGHTS, MEASURES AND STANDARDS		
Bread wrapped in package form	1915	205
Commissioner of agriculture; feed mills; corn	1949	483
Dump trucks; traffic on highways	1949	352
Trucks	1935	566
WELAKA GAME AND FISH HATCHERY		
Title and jurisdiction	1935	657
		658
Transfer of funds	1937	348
WELFARE		
Administrative expense, payable upon approval state welfare board	1937	492
Adoption cases, procedural changes, effect of new law on pending cases	1955	150
Aged and blind, maximum allowances; increased federal grant	1945	547
	1951	536
Aid to blind		
Infant recipient; residence requirements on reaching majority	1951	537
Inmate of public hospital; eligibility	1953	461
Sale of homestead; eligibility	1953	471
Aid to dependent children		
Beneficiary, designation; requirement	1955	807
Born outside of state; eligibility	1951	531
Federal matching funds, cases not eligible for; proportionate part of ADC fund released	1949	427
Support suit; limitation of action	1955	107
Unborn child	1949	427
Aliens, dropping from rolls	1939	428
Children		
Bastardy proceedings; limitation, statutes; applicability	1951	719
Boarding homes; minimum standards; duties	1945	542
Child caring agencies, records relative to children	1933	462

Subject	Year	Page
WELFARE (cont.)		
Children (cont.)		
Child-placing agencies, fees and charges	1955	173
Commitment to Florida industrial school for boys without conviction	1949	430
Illegitimate; maintenance and support by the mother	1957	605
Community chest; ad valorem taxes; commissioners no authority	1949	175
Continuing appropriation repealed; selected tag numbers	1949	360
County and city; use of county school funds	1945	421
County funds, authority of commissioners to permit public welfare department to administer and disburse	1959	145
Dependent children		
Contemplation of chapter 39	1957	656
Jurisdiction	1945	540
Support actions		
Cooperation	1951	530
Court cost, payment	1951	532
Legal aid association	1951	530
Prerequisite to state aid	1951	529
Prosecuting attorney, duty	1951	530
Prosecuting officer, compensation	1951	532
Dependents, support of See: SUPPORT OF DEPENDENTS		
District board		
Change in boundaries; authority of governor; validity	1949	426
Members		
Constitutional amendment pending; state census governors	1949	429
Quorum	1955	691
Secretary and other employees	1935	762
Educational leave scholarships, state funds used for; prohibited	1953	465
Florida citizen receiving care in another state; legal residence status not affected	1953	464
Florida council for the blind		
Agreements	1943	371
Public buildings; vending machines	1949	428
Salaries	1943	371
Torts, liability for	1945	548
	1949	427
Foster parents, welfare workers; tort liability of	1959	710
Fraud, report of; duties of officers and employees of department	1951	529
Funds, disbursement	1937	497
Hospital aid to recipients, use of unencumbered balances of categorical appropriations for; authority of board	1959	610
Husband, support of, by resources of wife; old age assistance, eligibility	1953	467
Juvenile and domestic relations court; dependent and delinquent children; Dade county	1949	432
Juvenile court; minor children; jurisdiction in felony	1949	432
Nursing homes, license exemption of certain	1953	466

Subject	Year	Page
WELFARE (cont.)		
Old age assistance		
Appropriation; amount; source	1945	544
Recipients, list furnished legislative committee for investigation	1949	426
Permanently and totally disabled persons		
Aid to		
Applicant for; transportation in worker's car; injury caused by worker's negligence; liability	1955	340
Qualifications of recipients	1955	476
State and county retirement benefits; private employment	1955	517
Persons acting for reconstruction finance corporation, exempt from liability	1931	423
Public assistance		
Fraudulent representation for purposes of obtaining; construction of law	1955	876
Funds; disbursement	1937	497
New age and residence requirements, power of legislature to enact laws meeting	1949	24
Public funds; indigent aged persons; private institutions	1949	27
Public welfare department		
Adoption program, survey; grant from private foundation, acceptance	1953	462
Federal special milk program; administration	1955	832
Lease-purchase agreements; utilization of moneys appropriated for financing construction, etc.; procedure	1957	672
Members; terms of office	1953	461
Rules defining certain words or phrases; adoption; authority	1959	731
Salary restrictions		
Attorneys' and physicians' fees; effect	1951	536
Special employees	1953	462
Recipients of public aid		
County welfare funds; loyalty and anti-communist oath not required	1949	594
Eligibility; exclusion of certain income in determination of	1953	465
List		
Filing; method	1953	466
Recording fee, payment	1953	464
Rules and regulations		
Amended to conform to federal regulations; method	1953	465
Certain words or phrases, authority of public welfare department to define	1959	731
Runaway children; minors; marriage ceremony	1949	431
School attendance law, enforcement	1941	280
		281
Social welfare board		
Borrowing money	1935	580
Compensation insurance	1935	579
Duties and powers, state board of public welfare	1935	582
Liability for damage when traveling	1935	581

Subject	Year	Page
WELFARE (cont.)		
Social welfare board (cont.)		
Members, qualifications	1935	581
Recall of old age pension checks not cashed before death	1935	583
State agencies; Florida council for the blind; lands, buildings, etc.; removal	1949	434
State welfare board		
Administrative expense, payable upon approval	1937	492
Adoption proceedings; appeals; duty	1955	642
Aid to dependent children; designation of beneficiary; requirement	1955	807
Aliens, exclusion from old age assistance rolls not authorized	1939	427
Blind children; eligibility for aid	1947	436
Chapter 18285 does not affect chapter 16804	1937	492
Child-placing agency; commitment of illegitimate child of minor mother	1947	438
Children; care; expenditures	1943	369
Commissioner state officer, appointment unconstitutional	1937	492
Compensation insurance	1935	579
Day nurseries, etc.; license, regulation	1947	438
Dependent children, maintenance of emergency fund by county commissioners	1941	542
Director; constitutional status of office; eligibility of legislator before term expires	1957	625
Disabled and blind person; increased federal grants; maximum allowances	1955	823
Employees		
Re-employment upon discharge from military service; salary	1941	114
Salaries		
Appropriations bill; effect	1949	429
Limitations	1943	372
Funds		
County; administration for public aid	1941	543
Dependent children, use for care of	1943	370
Establishment; construction of beverage act re	1937	219
Housing authorities; area of operation	1943	377
Jurisdiction and duties	1929	272
Legislative appropriation, not authorized to exceed	1939	426
Maternity homes, licensing; powers and duties	1945	540
Members		
Terms of office	1953	461
Traveling expenses	1939	426
Mothers' aid act, duty of county commissioners	1927	257
Motor vehicles; purchase	1943	369
Nursing homes; jurisdiction	1945	539
Official bond, comptroller not authorized to sign	1937	498
Old age assistance		
Aliens not to be excluded from rolls	1939	427
Payment by comptroller	1943	372

Subject	Year	Page
WELFARE (cont.)		
State welfare board (cont.)		
Old age assistance (cont.)		
Warrants; cancellation, re-issuance	1943	373
Public assistance		
Funds, disbursement	1937	497
New age and residence requirements; power of legislature	1949	24
State agency, governmental functions and duties	1941	542
Unencumbered balances of categorical appropriations for hospital aid to recipients; use	1959	610
Unexpended balance, use	1937	13
Vacancies, appointments by governor	1941	541
Warrants		
Issued prior to but received after death of payee; becomes part of deceased's estate	1937	493
Payment; death of payee prior to endorsement but after transfer; rights of transferee	1941	753
State welfare warrants; public record; federal restrictions	1949	165
Transportation of applicant for aid in worker's car; injury to applicant caused by negligence; worker's liability	1955	340
Unborn child; state aid	1949	427
Vending machines installed; Florida council for the blind; public buildings	1949	428
Welfare workers; tort liability, immunity	1959	710
Wells; abandoned oil and gas wells as fresh water wells	1955	457
West coast inland navigation district; survey; commissioners; district funds allowed	1949	346
WEST PALM BEACH, CITY OF		
Employees' retirement system; investment of certain assets	1959	616
School construction, withholding building permit by city, authority	1957	631
WESTCOTT ESTATE		
Board of control as substituted trustee; authority to sell real property	1949	325
Survey of higher education, use of fund for cost of	1955	370
Taxation; entitled exemption	1949	210
Western Electric Company, Inc.; public utility; Florida public utility arbitration law	1949	448
WESTERN UNION TELEGRAPH COMPANY		
Employees; licensees of race track not required to pay license tax	1933	3
Information baseball games; violation bookie bill	1949	395
State attorney not authorized to search files without consent of management	1931	395
Wet and dry election See: Local option under ELECTIONS		
WET COUNTIES		
See also: ALCOHOLIC BEVERAGES AND LIQUORS		

<u>Subject</u>	<u>Year</u>	<u>Page</u>	<u>Subject</u>	<u>Year</u>	<u>Page</u>
WET COUNTIES (cont.)			WIDOWS (cont.)		
Beer above 3.2% alcohol, manu-			Exemptions (cont.)		
facturing; legality	1933	331	Waiving right	1927	449
Defined	1905	202	Florida state firemen's association,		
Fermented malt liquors, manufactur-			members; benefit fund	1949	519
ing; legality	1933	332	Homestead exemption, property own-		
Sale of alcoholic beverages			ed in state	1939	450
Malt and vinous beverages; le-			Pension		
gality	1933	326	Department of public safety pen-		
Precincts voting dry, in; legality	1933	329	sion fund, rights under	1951	479
Shipment into, allowed	1933	325	Eligibility	1931	809
		328	Remarriage, receiving after;		
WHARVES			eligibility	1937	624
Construction in navigable waters;					625
authority of trustees of internal			Teachers' retirement, rights under	1945	402
improvement fund	1959	373	Veteran; occupational license tax,		
Municipalities; cigarette tax moneys	1949	278	not exempt from	1933	101
Whiskey See: ALCOHOLIC BEVERAGES			World war II man lost in service;		
AND LIQUORS			license tax exemption	1949	271
White, Daniel M.; deceased, pay-			WIFE		
ment of salary	1939	558	See also: HUSBAND AND WIFE		
WHOLESALE DEALERS			Domicile same as husband	1939	543
Beer distributors, may sell to re-			Homestead exemption		
tail dealers anywhere in state	1933	333	Denial	1937	525
Drugs, advertisement of	1949	455	Eligibility	1937	524
Illuminating and lubricating oils,			Mortgage foreclosure, service upon	1931	999
license tax	1933	8	Poll tax, authority of husband to		
Salt water fish, transportation with-			pay	1929	381
out permit; violation	1953	440	WILD GAME		
WIDOWS			See also: GAME LAW		
See also: PENSIONS			Birds, nests and eggs; permits to		
Confederate soldier			collect specimens; application		
Pension; eligibility	1945	474	of law	1931	433
		475	Ducks; closed season on taking	1937	349
Remarriage under forty, after	1943	306	WILDLIFE CONSERVATION COMMIS-		
Disabled persons			SION		
Property tax exemption to same			Members of legislature not eligible		
person	1953	219	for appointment	1927	260
Veterans; occupational licenses;			Wildlife officer		
exemptions	1949	269	Arrest made by, resisting; au-		
Exemptions	1907	44	thority	1955	29
	1925	370	Search of person or vehicle with-		
	1931	725	in wildlife management area		
		890	as routine matter; authority	1957	596
	1941	160	Willis, Chas. A.; declaring blockade		
Additional to homestead exemp-			by railroad	1907	53
tion	1945	776	WILLS		
Certificate issued against prop-			See also: ESTATES; PROBATE LAW		
erty because of failure to file			Certain trusts not subject to tax-		
application; eligibility	1949	239	ation	1937	537
Citizenship not a requirement	1949	217	Corporations not for profit; residuary		
Divorced woman; eligibility	1947	176	legatee; authority to act	1949	514
Eligibility	1931	676	Florida state college for women,		
		1054	designation of gift	1941	326
Expenses, payment	1923	200	Foreign bank and trust company not		
Family dependent for support;			authorized to administer estates	1931	1057
five hundred dollar exemption	1933	91	Homestead and dower rights, con-		
		100	struction	1931	1010
Filing claim after assessment			Interest in trust fund; disposition	1937	254
date	1945	774	Legacies to colleges in and out of		
Head of family	1933	99	state; tax exemption	1949	247
Nonresidents	1945	289	Recognized in state, when	1931	784
Property			Recordation necessary in county		
Limitation	1949	227	where property devised is located	1931	572
Personal or real	1931	374	Recording procedure; probate laws	1949	564
Real	1941	159	Ringling estate; repairs; use of funds;		
Valued at five thousand dol-			legality	1949	325
lars and less	1929	312	Westcott property; entitled exemp-		
Remarried and subsequently di-			tion	1949	219
vorced; eligibility	1931	679	Windermere, town of; municipal elec-		
	1957	576	tions; candidates; qualifications	1949	205
Sum of five hundred dollars	1927	459	WINDOWS		
Undivided interest in real estate,			Designated and sold as personal		
application; legality	1931	679	property	1931	697

Subject	Year	Page
WINDOWS (cont.)		
Good repair, kept in; agreement; contract of insurance	1949	519
Wine See: ALCOHOLIC BEVERAGES AND LIQUORS		
Winter Garden, city of; liquor licenses, transfer; prohibition; no authority	1949	487
WINTER HAVEN, CITY OF		
Alcoholic beverage establishment; fingerprinting owners and employees; ordinance requiring; powers	1959	119
Municipal jails, temporary imprisonment of persons arrested by sheriff or constables	1951	760
Wisconsin investment board; agency of sister state; authority to register as foreign corporation authorized to do business in state	1957	738
Withlacoochee river; boats anchored on river between two counties; tax situs	1949	249
WITNESSES		
Attendance required	1923	275
Certificates, may not bear interest	1915	236
Compensation allowable; dual offices; finger print expert and justices of the peace	1949	61
Competency; ten-year old; marriage ceremony	1949	567
Constable		
Appearing as, prior to filing information or indictment; compensation	1953	689
County judge's court; fees	1945	132
Contempt, reporting for	1923	219
Coroner's inquest; eyewitness; applicability of §936.02	1949	616
County solicitor's disqualification; acting solicitor's power to summon	1949	33
Criminal		
Court of record; voluntary attendance; pay	1947	50
Investigation; aid of counsel when testifying	1953	698
Trials; liability for fees	1945	738
Defense attorney, interview by; held in custody of public institution; legality	1953	720
Deputy sheriff		
Appearing as, prior to filing information or indictment; compensation	1953	689
Fees	1947	595
Witness fees and mileage for court appearances; payment	1959	149
Election laws, violations; immunity to prosecution	1955	524
Examination of defendant by two disinterested psychiatrists appointed by court, authority	1959	143
Expert		
Fees	1927	315
Payment	1949	197
Grand jury, testifying before; compensation	1941	782
	1955	637
	1957	880
Justice of peace court; fees taxed as cost	1953	38
Persons trained as specialists in police work, qualification	1957	17
State attorney, testifying before; compensation	1957	880

Subject	Year	Page
WITNESSES (cont.)		
Eyewitness; coroners; inquests of the dead	1949	615
		616
Fees	1927	315
Additional, not allowed for return to state when subpoena served within state	1937	128
Assistant attorney general; advanced; reimbursement; railroad and public utilities commission	1949	395
Case transferred to another county, method of payment when	1931	397
Certification by county commissioners required	1925	333
Civil and criminal cases	1927	315
Criminal cases, before committing magistrate	1935	219
Criminal court of record, payment from fine and forfeiture fund	1937	129
Criminal procedure act		
Certain law enforcement officers not entitled to, under	1939	98
Constables not entitled to, under	1939	88
Construction	1939	89
Deputy sheriffs not entitled to, under	1939	90
Payment to law enforcement officers for testifying before state attorney, allowed under	1939	89
Defendant's witnesses, when county not liable for fees	1913	257
Deputy clerk entitled to	1933	248
Examination of incompetents	1949	422
Federal agents in state courts	1957	299
Fruit inspection employee entitled to	1939	89
Juvenile court	1955	244
Hillsborough county	1957	884
Liquor cases; taxed as court costs	1937	231
Mileage	1927	230
Constables	1949	44
		600
County and state officers	1935	686
Criminal cases	1935	687
Law enforcement officers, outside county	1957	184
Per diem	1939	93
State employees; criminal court of record	1951	55
Nonresident, payment	1927	190
Person held in custody entitled to, when	1931	358
Police officers entitled to receive, when attending court	1929	338
Prisoner entitled to	1931	634
State officers and employees, payment to, allowed	1937	343
Supervisors of beverage department not entitled to, when summoned to testify in criminal cases	1939	87
Grand jury		
Compensation	1933	512
Additional; court order allowing	1955	893
Experts; compensation	1941	782
	1955	637
	1957	880
Fees; payment	1905	178

Subject	Year	Page	Subject	Year	Page
WITNESSES (cont.)			WOMEN (cont.)		
Grand jury (cont.)			Jurors, not eligible to serve as	1923	220
Requisition; requirements	1904	39		1939	93
Testimony given before; disclosure; penalty	1957	523	Jury lists; commissioners authorized to include qualified women	1949	75
Incriminating testimony; proposed act; validity	1949	616	Notary public; reappointment to office after marriage; married name required	1949	163
Industrial commission, subpoenaed before; advance payment of compensation	1959	125	Poll taxes; payment as feme covert	1927	402
Interstate extradition; mileage, per diem	1945	754	Registration as feme sole	1927	402
John Doe witness subpoena, issuance; investigating probable criminal violation; validity	1957	638	Right of women to hold office	1909	84
Justice of peace; preliminary hearings in criminal cases; expert witness allowance	1959	332	Trial jury in criminal cases; woman bailiff to attend	1953	706
Legislative investigating committee			Trustees of schools; eligibility	1917	439
Contempt of legislature, punishment	1957	36	Voting at husband's permanent place of residence; eligibility	1931	978
Fees, payment	1957	37	Widows See: WIDOWS		
Testimony before; subpoena; immunity	1959	717	Women's army corps; beauty shops; jurisdiction of state board	1943	416
Mileage			Women's clubs; taxation, when exempt	1931	758
Nonresident, how determined	1927	325	Woodmen of the World; license tax on dance hall, not required to pay	1929	337
Out-of-state; allowance	1911	86	WORKMEN'S COMPENSATION LAW		
	1951	784	See also: INDUSTRIAL COMMISSION, FLORIDA		
Voluntary attendance; allowance	1953	710	Accident prevention insurance	1935	538
Nonresident			Administrative fund; assessments against municipalities, etc.	1941	555
Attendance and pay	1917	424	Agricultural and horticultural products; services of workers do not come within classification of labor	1939	358
Fees, when legal and proper to be paid to	1927	190		1937	327
Per diem and mileage allowances	1927	325	Amendment; effect		
Defendant discharged, when	1917	426	Appeals; jurisdiction when injury occurs outside state	1941	554
Defendant's witnesses	1907	186	Application and construction	1937	325
Nonresidents	1927	325			341
Out of state	1907	159	Assigned risk policies, agents' commission; payment	1959	680
	1951	784	Award by circuit court, enforcement	1941	556
Perjury; testimony before assistant county solicitors	1949	51	Barbers; employees; percentage basis; entitled workmen's compensation	1949	438
Prepayment	1921	60	Benefits		
Prosecuting attorneys, summon for investigations; without authority	1953	31	Retirement or disability benefits, eligibility to receive at same time	1953	474
Requisition for, before grand jury; requirements	1904	39	Waiver by state employees of certain	1953	478
School board hearings; attendance of witnesses; administration of oath, etc.; authority	1957	70	Beverage department employee; application	1947	446
Sheriff acting as	1923	244	Board of commissioners of state institutions; duties	1937	328
State attorney, summons by; authority	1937	118	Board of control employees		
State attorney, testimony before			Injuries	1935	529
Compensation	1933	512	Institutions of higher learning	1935	504
Experts; compensation	1957	880	Schools	1935	535
State employees; fees	1943	498	Board of public instruction; employees	1935	535
Subpoenas			Cafeterias operated by P. T. A. and county boards; liability	1943	378
Beverage department, by	1941	694	Casual employment	1935	537
Cost of serving; deposit by solvent defendant in criminal cases	1955	383	Child labor law; employment of minors as truck drivers' helpers	1941	603
Granting of immunity by municipal judge; without authority	1953	176			604
Voluntary attendance; pay	1947	50	Christian Science practitioners; service fees; exemptions	1949	440
Voluntary attendance, mileage allowance	1953	710	Citrus fruit inspectors	1935	594
WOMEN			Claims, time for filing	1941	561
See also: ELECTIONS; DIVORCE; HUSBAND AND WIFE; MARRIAGE			Common carriers, employees excluded from benefits	1939	349
Appointment to office; eligibility	1917	230	Compensation only for remedial treatment under direction and supervision of qualified physician or surgeon	1937	326

Subject	Year	Page
WORKMEN'S COMPENSATION LAW (cont.)		
Cooperative and member; relationship	1941	562
Corporations qualifying as self-insurers must appear only by authorized attorney	1939	371
County agents and demonstration agents; board of control	1949	436
County commissioners; certain officers and employees; group insurance	1949	442
County not accepting or rejecting provisions of act	1935	530
Dairy industry	1935	542
Death benefits		
Deceased state employee; de-termination	1947	446
Payment to Florida industrial commission; refund to insurance company	1941	581
Deputy municipal police officers; coverage	1941	564
Disabled veterans, license exemption	1953	486
Dredging operators, employees; coverage under, eligibility	1953	475
Dupree estate, status of employees or attendants	1939	375
Elected officials, coverage		
Eligibility	1957	674
Waiver of exemption	1953	477
Elevator operated by university of Florida; liable for injuries to employees only	1937	243
Employees		
Boothblacks	1941	558
Caddies of golf clubs	1941	559
Common carriers; excluded from benefits	1939	349
	1941	565
Construction of term as embracing officers of a corporation, etc.	1939	363
County		
Compensation benefits; contribution to retirement fund	1955	735
County commissioners and school board; eligibility	1949	441
Insurance coverage	1941	565
Premium, responsibility of county	1955	394
Curb girls	1941	563
Distributors of bottling company	1941	559
Domestic; cancellation of waiver by employer and return to original status	1941	568
Everglades fire control district; coverage	1941	570
High school students as	1939	367
Prospective, waivers executed by; effect	1957	384
State		
Compensation benefits; contribution to retirement fund	1955	735
Funds cannot be maintained in state treasury to pay claims	1939	127
Retirement for disability; workmen's compensation award; amount	1955	534
Street risk, awarding of compensation	1951	540

Subject	Year	Page
WORKMEN'S COMPENSATION LAW (cont.)		
Employees (cont.)		
Tax on wages; disability benefits; unemployment compensation	1951	557
University of Florida; maximum disability payment	1949	436
Wages, right to as essential element of employment	1939	361
	1941	567
Employers		
Acceptance of law when employees reject; responsibility	1957	65
Controversy with insurer; jurisdiction of Florida industrial commission	1941	571
Domestic help; authority to reject waiver of exemption on insurance, cancellation upon request requires thirty days' notice	1939	369
Originally exempt; status after withdrawal of waiver of exemption	1939	117
Status upon employees' rejection of provisions	1939	370
Waiver of exemption on domestic help, authority to reject	1941	569
Exemption	1939	369
Agricultural and horticultural farm labor	1939	358
Clause construed	1935	534
Common carriers	1935	531
	1939	349
	1941	565
Employers and employees	1935	543
Grove workers	1941	566
Landscaping, as horticultural farm labor	1939	375
Logging	1935	544
Florida council for the blind; employees	1943	380
Florida crippled children's commission; application	1945	555
Florida industrial commission		
Appeals from; charge for preparing and certifying record	1939	353
Expenditures must be determined by	1937	325
General counsel; part-time employment	1949	441
Government agencies, self insurers; liable for assessment	1949	437
Hearings; insurance agents and adjusters taking part in; constitutes unauthorized practice of law	1937	330
Refund of taxes authorized when paid by mistake of law	1939	347
Ruling not supported	1937	338
Florida law, independent of federal act	1939	124
Florida state hospital		
Employee killed by lightning, not liable for	1939	386
Payment of premium; appropriation for payment of claims; legislative authorization	1939	127
General counsel; part-time teaching employment	1949	441
Golf professional; golf employees; coverage	1949	439
Governmental and proprietary activities, classification	1939	354

Subject	Year	Page
WORKMEN'S COMPENSATION LAW		
(cont.)		
Indemnity bonds for self-insurers	1957	158
Independent contractors	1937	328
	1939	347
		360
Employees, caddies, bootblacks, real estate salesmen, distributors	1939	360
		377
Real estate salesmen	1941	580
Injuries to employee of board of control while traveling	1935	529
Insurance		
Cancellation; date effective	1941	568
Carriers		
Annual registration and filing fees; legality of regulation requiring	1935	545
Care in granting permits to	1935	539
Requirements	1935	544
Coverage		
Extension; applicability to separate businesses by same party	1941	560
Requirements	1939	117
Discrimination	1939	125
Premiums for county road employees; expenditure of county funds for payment	1949	440
Rates	1941	561
Federal statute, under; commissioner without authority to regulate	1939	124
Retaliatory provisions in relation to assessment tax of carriers	1957	205
Retrospective rate plan; state departments	1949	437
J. S. Berry, claim	1941	571
Janitors and managers of apartments; status	1937	334
Justice of peace fees, prepayment from fund, not authorized	1939	351
Landscaping, exempt as coming under horticultural farm labor	1939	375
Liability		
Common law defenses	1935	533
Employees for subcontractor	1935	532
Medical examination; payment of costs pending final determination of claim	1957	503
Medical fees		
Chiropractors	1941	572
Naturopaths	1941	576
Schedule, adoption by commission	1941	577
Merit system; appointments; preferences	1949	440
Migratory farm workers, transportation to place of employer; liability	1959	739
Moss ginning does not constitute agricultural farm labor	1939	359
Municipalities		
Governmental and proprietary activities classification	1941	578
Rejected	1935	536
Special policemen and auxiliary firemen, injuries to; liability	1941	350
National guard members; application	1947	445
Occupational license; tax collector without authority to refuse because of failure to comply with law	1935	532

Subject	Year	Page
WORKMEN'S COMPENSATION LAW		
(cont.)		
Paragraph (e), §39 of act; construction	1939	356
Parole commission; purchase of insurance	1943	379
Pay roll cases; loyalty oaths not required	1949	595
Permanent disability	1935	530
Person employed more than thirty years, workmen's compensation payments, retirement under \$112.05, F. S., qualification	1957	212
Prisoners working for municipality; benefits	1941	580
Qualified physician or surgeon, interpretation	1937	326
Real estate salesmen as employees, real estate brokers; workmen's compensation payment	1955	520
Refund of compensation previously paid, claims	1939	354
Retaliatory provisions in relation to tax assessment of workmen's compensation carriers	1957	205
Safety code, adoption by city through ordinance; powers of arrest and prosecution of violators	1959	76
Schools		
Buses		
Contractors for, drivers employed by; independent contractors, not under school board	1937	339
		340
Drivers; application of law	1947	448
Independent drivers	1935	537
Employees		
Cafeterias operated by P. T. A.; responsibility of county board	1949	305
Injury	1945	399
Lunchroom personnel; eligibility	1951	243
Teachers		
Injured on duty; school board	1949	438
Insurance	1947	281
Self-insurers		
Corporations qualifying as; must appear only by authorized attorney	1939	371
Counties and cities as; assessment against	1939	354
Government agencies; assessment	1949	437
Group, agreement; insurance laws, validity under	1951	554
Indemnity bonds	1957	158
School boards, county commissioners and municipalities; liability for assessment	1937	335
Securities and surety bond; return when ceasing business	1939	357
	1941	582
Special deputy policemen, injury to; liability	1939	366
State and subdivisions may not reject	1937	341
	1949	441
	1935	541
State plant board		
State road department; minor employees double compensation	1945	554
Stock-car racing drivers; coverage under	1951	545
Suits involving claims; fees	1937	45
Tax exempt college not exempt from act	1935	536

<u>Subject</u>	<u>Year</u>	<u>Page</u>
WORKMEN'S COMPENSATION LAW (cont.)		
Taxicab companies; owners of vehicles registered with taxicab companies; coverage	1949	439
Taxicab drivers, when under Tobacco	1949	439
Cooperatives; employees; liabilities	1951	543
Warehouse employees, exemption	1951	543
Turpentine farmers and naval stores operators not entitled to benefits	1939	376
Vocational rehabilitation program		
Counselor for; subpoena issued by deputy commissioner to appear and testify in certain cases; required to respond	1959	627
Statute prohibiting misuse of records, etc.; effect	1959	627
Works progress administration; school board, right to participate in construction project by furnishing materials	1939	175
World federal government; proposed memorial; general election ballot; printing	1949	106
World war veterans See: VETERANS		
World's fair; advertising fund, authority of state commissions to use	1937	631
WORTHLESS CHECKS		
Conviction for issuance of, penalty	1953	653
Criminal prosecution; payment of checks does not release person	1931	625
Defined	1927	357
	1953	654
Florida sales tax statutes; enforcement	1949	280
Insufficient funds; stop payment; violation	1953	652
Issuance, unlawful	1927	357
Justice of peace; warrants issued under worthless check statute; authority	1955	811
Out-of-state, authority to issue warrants for; payment for goods delivered out-of-state; jurisdiction	1955	897
Payee knowingly passing; prosecution	1949	575
Payment does not release maker from criminal prosecution	1931	625
Prosecution	1941	760
Restitution; dismissal; no conviction	1951	774
Sales tax, payment	1949	280
	1953	654
Uttering; venue of prosecution	1945	736
Violators; punishment same as crime of larceny	1957	425
Warrants issued without deposit by justice of peace; authority	1957	859
Woven wire; industry producing, not exempt from taxation	1937	527
Wrestling, professional; pugilistic exhibitions, within purview of law relating to	1955	229
WRITS		
Attachment; priority of liens in certain cases	1959	660
Execution; priority of lien over writ of attachment in certain cases	1959	660

<u>Subject</u>	<u>Year</u>	<u>Page</u>
WRITS (cont.)		
Mandamus; application; against tax assessor; procedure	1905	30
Ne exeat, service of; sheriff's fee	1959	59
Wrought iron range company; license tax, agents peddling stoves; requirements	1905	206

<u>Subject</u>	<u>Year</u>	<u>Page</u>
YACHTS		
See also: BOATS		
Pleasure boats owned by nonresi- dents; taxation	1947	239
Yale university; property owned in state subject to taxation	1931	684
YOUNG MEN'S CHRISTIAN ASSOCIATION		
Pugilistic exhibits, holding; au- thorization	1927	444
State hotel commission, juris- diction	1951	595
Youth employment service; operation by municipality, municipal tort liability	1957	723

<u>Subject</u>	<u>Year</u>	<u>Page</u>
Zingo; radio promotion program, whether violative of lottery laws	1959	262
ZONING		
Alcoholic beverage sales; distance between churches and schools; requirements	1949	492
Appeal board, failure to appoint as affecting zoning ordinances	1959	202
Board of adjustment, Leon county; rehearing; powers	1949	184
Business operating within an area zoned against such business; occupation license requirement	1958	595
County commissioners, powers	1947	492
Alcoholic beverages	1951	624
Sunday sales of beer, certain districts in Clay county; prohibited	1949	496
Criminal penalties for violation of law	1959	681
Districts, immunity from municipal zoning restrictions	1959	153
Municipalities		
Alcoholic beverages	1947	509
Sale of within certain areas, ordinances prohibiting	1955	655
Vendor		
Club licenses	1949	492
Location, restricting; power of police	1949	496
Building code; town of Belle Vista Beach	1949	211
Laws and regulations	1949	211
Salvation army premises; re- ligious use; constituted as church; issuance of alcoholic beverage license prohibited	1949	488
State park within boundary of; regulation	1953	570

PART 1 - CITATOR
PAGES 491 - 572
1895 - 1942

PART I
Constitutional and Statutory Citator to Opinions Cited
1895-1942*

CITATIONS TO THE CONSTITUTION OF FLORIDA

ARTICLE	SECTION	REPORT	PAGE
D. R.	5	1913	74
D. R.	6	1913	74
		1921	70
		1939	284
D. R.	8	1917	211
		1935	665, 799
D. R.	9	1935	799
D. R.	10	1931	900
		1933	512, 513
		1935	90
		1941	496
D. R.	12	1921	70
		1933	620
D. R.	18	1925	394
		1935	757
D. R.	20	1935	767
D. R.	22	1935	752
II	1	1931	239
III	1	1907	71
III	5	1915	112
		1923	67
		1933	507, 614
		1935	760
III	6	1919	62
III	8	1935	695
III	9	1927	136
III	10	1933	511
III	12	1935	793
III	13	1939	331
III	16	1903	44
		1915	137
		1919	237
		1923	222
		1927	309, 460
		1935	759
III	18	1939	340
III	20	1915	190
		1927	115, 357
		1931	403, 551, 552
		1935	356, 364
		1939	516
		1941	66, 462
III	20-21	1931	396

*Citator to Opinions 1943-1960 pages 573-637

CITATIONS TO THE CONSTITUTION OF FLORIDA

ARTICLE	SECTION	REPORT	PAGE
III	21	1913	195
		1917	94
		1927	115, 460, 461
		1929	177
		1935	794
		1939	288
		1941	266
III	22	1919	104
		1939	49
		1941	335
III	23	1931	858
III	24	1927	115
		1935	695, 698
III	26	1939	109
III	27	1929	195
		1933	415
		1939	35, 38, 109
		1941	6
III	28	1917	259, 260
		1935	786
		1939	434
		1941	336
III	30	1925	73
		1939	2
III	32	1925	88
		1933	511
IV	2	1939	121
IV	4	1941	348
IV	6	1907	145
		1919	99
		1933	68
		1941	343, 348
IV	7	1907	88
		1917	247
		1931	224, 238, 1046
		1933	265, 624, 627
		1935	223
		1937	36
IV	9	1907	48
IV	11	1921	59
		1927	143
		1935	793
IV	12	1907	144
		1917	150
		1927	143, 385
IV	14	1929	186, 195

CITATIONS TO THE CONSTITUTION OF FLORIDA

ARTICLE	SECTION	REPORT	PAGE
IV	15	1909	37
		1917	168
		1919	79
		1929	255
		1931	1036, 1037
		1933	518, 601, 602
		1935	216, 233, 281,
			446, 447
		1939	40
IV	16	1917	258
		1931	353, 508
IV	17	1929	206
		1933	605
IV	18	1907	107
		1917	259, 260, 268
		1923	104
IV	20	1933	605
IV	22	1903	80
IV	23	1907	48
		1935	497
IV	24	1903	40
		1907	33
		1911	80
		1919	178
		1933	107, 289
		1935	498
		1941	170, 359, 705
IV	26	1935	716
V	1	1917	354
		1941	556
V	3	1907	89
V	8	1917	238
		1919	77
		1931	948
		1933	515, 516
V	11	1927	190
		1931	761
V	13	1905	3, 6
V	15	1915	156
		1921	230
		1933	265
		1941	770
V	16	1925	397
V	17	1903	72, 73
		1931	761
		1933	447

CITATIONS TO THE CONSTITUTION OF FLORIDA

ARTICLE	SECTION	REPORT	PAGE
V	18	1925	354
		1931	761
		1935	671
		1937	66
V	21	1927	292
		1937	50
		1941	61
V	22	1909	59
		1915	302
		1917	430
		1925	353
		1935	266
		1937	66
		1939	50
V	23	1915	303
		1919	129
V	24	1907	88
V	25	1931	881
V	28	1917	218
		1933	520
V	29	1935	671
V	30	1911	73
V	31	1933	518
V	33	1923	68
		1925	397
V	39	1931	761
V	42	1935	674
V	43	1939	79
V	45	1935	677
		1939	79, 97
VI	1	1931	895
		1933	542
		1939	404
		1941	82
VI	1-4	1939	104
VI	1-9	1939	110
VI	2	1931	640
VI	3	1913	87
		1931	895
		1933	358
		1935	340, 343, 379, 390
VI	4	1931	640
		1933	346, 352, 542
		1935	433, 699, 700
		1939	158

CITATIONS TO THE CONSTITUTION OF FLORIDA

ARTICLE	SECTION	REPORT	PAGE
VI	5	1931	641
		1933	346
		1935	352, 433, 699
		1939	158
VI	8	1921	369
		1923	299
VI	15	1937	459
VI	22	1931	823
VIII	3	1933	175
		1939	285
VIII	4	1907	134, 140, 146
VIII	5	1913	205
		1921	389
		1931	222, 865
		1933	215
		1935	237
		1939	44
VIII	6	1903	72, 75
		1909	82
		1917	183, 418
		1931	372
		1933	259, 418
		1935	207
		1939	38
		1941	28, 37, 155
VIII	7	1933	195
		1935	213
VIII	8	1927	461
		1941	82, 254, 501
IX	1	1907	111
		1913	93
		1915	295
		1917	354
		1919	204
		1925	185
		1927	431
		1931	285, 681, 758,
			759, 914
		1933	88, 96, 103,
			127
IX	2	1935	310
		1931	223, 285, 374,
			439
IX	4	1939	2, 3, 4
		1917	254, 346
		1919	104
		1925	173
		1931	439, 1029
		1933	135, 614
		1935	112, 472, 497,
			520, 552
		1939	2, 14, 221,
			427
IX	4	1941	5, 363

CITATIONS TO THE CONSTITUTION OF FLORIDA

ARTICLE	SECTION	REPORT	PAGE
IX	5	1903	72
		1921	369
		1923	299
		1931	223, 285, 764
		1935	310, 441
IX	6	1931	378, 541, 764,
			928
		1935	463, 506, 784
		1937	196
		1939	150, 159
		1941	310, 441
IX	7	1933	95
		1941	585
IX	9	1917	106, 353, 437
		1923	200
		1925	370
		1927	430, 458, 459
		1929	183
		1931	356, 374, 667,
			668, 674, 676,
			681, 687, 725,
			755, 890, 1054
		1933	90, 99, 100
		1935	54, 71, 729,
			800
		1939	450, 459
		1941	156, 159
IX	9f	1931	668
IX (1940 Amendments)	9	1941	160
IX	10	1931	229
		1933	537, 538
		1935	786
		1937	161
		1941	305, 347, 734
IX	11	1927	460
		1931	292, 755, 905
		1935	40, 729
		1939	477
IX	12	1931	244, 705, 1037,
			1064
		1933	89, 90, 97
		1935	66, 68
		1937	512, 527, 528
			529, 532
		1941	168
IX	13	1931	686, 689, 937
		1933	64
		1935	38
		1937	599
		1939	433, 516
		1941	210, 406
IX	14	1935	59
IX	15	1931	227

CITATIONS TO THE CONSTITUTION OF FLORIDA

ARTICLE	SECTION	REPORT	PAGE
IX	16	1941	442, 465, 469, 475, 481
IX	19	1933	93
IX		1931	1012
X (Amended 1934)		1933	542
X	1	1935	72, 74, 787
		1939	522
		1941	164, 165, 585
X	2	1935	76
X	5	1935	787
		1941	164
X	7	1933	91
		1935	58, 60, 61, 62, 64, 65, 66, 71, 75, 79, 80, 81, 82, 83, 119, 239, 240, 249, 787
		1939	438, 448, 449, 458, 524
		1941	162, 163, 164, 165, 237
XI	3	1933	369
XI	5	1935	329
XII	1	1913	74
		1935	440, 460
		1939	146
XII	3	1929	255
		1931	978
		1933	161, 413, 414
		1935	428, 446, 447
		1941	240, 241
XII	4	1907	135
		1913	74
		1917	292
		1931	978
		1935	440, 548
		1939	178
		1941	160, 170, 237, 240, 241, 295 360
XII	5	1931	978
XII	6	1931	347, 978
		1933	229
		1935	122, 440
XII	7	1931	978
		1939	148, 178

CITATIONS TO THE CONSTITUTION OF FLORIDA

ARTICLE	SECTION	REPORT	PAGE
XII	8	1913	74
		1931	813
		1933	147
		1935	441
		1939	178
XII	9	1911	43
		1913	184
		1921	340
		1931	813
		1933	130, 417
		1935	441, 460
		1937	34, 202
		1939	148, 178, 212
		1941	245, 304
XII	10	1903	79
		1921	159
		1931	537, 546, 762,
			1022
		1933	423
		1935	425, 441
		1937	182, 202
		1939	158, 165, 178
		1941	293
XII	11	1933	403
		1939	178, 205
XII	13	1913	71
		1917	98
		1935	441
		1941	231, 247, 248
XII	15	1913	81, 178, 209
		1917	451
		1927	439
		1931	614, 1056
XII	17	1915	234
		1917	342
		1923	298
		1925	232
		1927	301
		1931	537, 601, 764
			869
		1933	128
		1935	425, 429, 435,
			463
		1937	184
		1939	178
		1941	291, 310
XIII	3	1931	252
		1935	726
		1941	542
XIII	14	1917	113
XIV	1	1935	393
		1939	443
		1941	355
XIV	11	1933	67
XIV	16	1907	111

CITATIONS TO THE CONSTITUTION OF FLORIDA

ARTICLE	SECTION	REPORT	PAGE
XV	1	1937	254
XV	2	1907	71
		1917	447
		1935	451
		1937	254
XVI	2	1931	437
		1939	228
XVI	3	1919	174, 178
		1925	168
		1935	420
XVI	7	1931	768, 957
XVI	9	1903	77
		1907	107
		1917	426
		1919	170
		1921	340
		1941	772
XVI	11	1937	460
		1941	362
XVI	12	1931	400
XVI	14	1903	57
		1917	236
		1919	133
		1925	103, 311
		1931	267, 942, 1050
		1933	265
		1935	45, 209, 210,
			675
		1937	65
		1939	99
		1941	547
XVI	15	1903	58, 71
		1907	176
		1911	77
		1913	188, 221
		1915	238, 300, 303
		1917	130, 147, 188,
			235, 410, 435,
			441
		1919	130
		1923	156
		1925	72, 374, 391
		1927	118, 147, 163
		1929	195, 334, 409
		1931	437, 966, 1022,
			1033
		1933	268, 582, 610,
			614
		1935	208, 232, 358,
			456, 667
		1937	69, 242, 254,
			460, 464
		1939	307, 405, 422
		1941	54, 55, 93,
			94, 518, 519

CITATIONS TO THE CONSTITUTION OF FLORIDA

ARTICLE	SECTION	REPORT	PAGE
XVI	16	1933	88
		1935	232
		1939	355
		1941	550
XVI	17	1925	93, 391
		1935	232, 667
XVI	19	1917	200
XVI	25	1937	231
XVI	29	1933	620
XVII	1	1937	629
		1939	532
XVII	6	1909	82
XVII	9	1913	184
XVII	10	1933	403
XVIII	6	1909	90
		1917	169
		1925	103
		1931	1046, 1050
		1933	265
		1935	223
		1937	36
		1941	241, 242
XVIII	7	1909	91
		1931	1050
		1935	223, 224
XVIII	9	1911	74
		1917	168
		1931	1050
		1935	223, 224
		1937	144
		1941	241, 242
XVIII	10	1927	318
		1935	207
XVIII	14	1931	317
		1933	265
		1935	223, 224, 225,
			236
XIX		1919	173
		1931	931
		1933	372
		1935	301, 303, 305,
			324
XIX	1	1941	689
		1931	1066
		1933	316, 318, 324,
			326, 338
XIX	2	1937	151
		1933	326
		1935	323, 332
		1939	140, 142, 453
XIX	3	1933	326

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
1.01	1925 393 1933 98	14.01	1927 123 1931 883 1935 765, 767, 769 1941 345
1.02	1941 1	14.02	1941 348
6.02	1935 489 1939 326 1941 2	14.06	1925 223 1933 381
6.03	1935 489	15.07	1931 296 1935 765
6.04	1919 74, 118 1935 489 1939 326 1941 2	15.09	1925 128
6.05	1935 489	16.01	1905 49, 52, 94
6.06, 6.07	1931 709	16.08	1927 223 1929 342 1939 541
6.08	1931 876	16.19	1919 161 1931 813 1941 692
7.01	1911 70 1939 527	16.20	1941 11, 692
7.09	1919 186	16.28	1941 50
7.11	1923 128	17.03	1907 49 1933 245 1935 498
7.28	1941 483	17.04	1903 41
7.38	1939 527	17.06	1933 444
7.42	1911 71	17.07	1905 63 1941 198
7.47	1941 483	17.13	1941 9
7.50	1933 498	17.14	1903 25
7.52	1911 62	17.15	1933 438, 440, 611, 612, 616, 617 1935 218, 587, 748 1937 113 1939 81, 426 1941 14, 15, 91
7.58	1921 125 1925 90	17.20	1903 45
7.67	1931 1032	17.24	1933 257
10.01, 10.03	1927 241 1939 293	18.02	1941 170, 705
11.02, 11.03	1914 195 1935 794	18.10	1905 52 1919 113 1933 277, 279, 285 1935 285 1939 365 1941 10
11.04	1935 794		
11.05	1931 939 1939 23		
11.12	1933 636 1935 419		
11.12-11.18	1935 419		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
18.10-18.13	1937 603	21.13	1935 222, 746
18.11	1933 279, 280 1935 285, 286 1939 365 1941 10, 11, 12	25.11	1931 277
18.12	1933 161, 163, 485 1935 616, 617 1937 603, 604 1939 365 1941 10	26.01-26.20	1935 574, 676, 678 1937 111, 114 1939 80, 97
18.13	1933 161, 163, 485 1935 616, 617 1937 603, 604 1939 365	26.21	1925 97, 98 1935 574, 676, 678 1937 111, 114 1939 80, 97
18.14	1937 604, 607	26.29	1931 224
18.15	1931 327 1933 285 1941 11	26.30	1919 149
18.16	1933 277, 285	26.41	1935 799
18.18	1907 172	26.43	1925 98 1939 79
19.13	1903 28	26.43-26.47	1919 77 1921 105
19.25-19.28	1935 716	26.44	1925 98
19.29-19.44	1907 69	26.47	1941 15
19.30	1923 170	26.49	1935 277 1939 60
19.45, 19.46, 19.51	1925 73	26.50	1935 673
19.47	1927 129, 214 1935 783 1939 327	26.52	1921 129 1939 81 1941 14
19.48	1923 147, 170 1925 73 1927 129, 214 1935 783 1939 326, 327	27.01	1939 80
19.49	1927 129, 214 1935 783 1939 327	27.01-27.28	1919 211
19.50	1927 129, 214 1931 551 1935 783 1939 327	27.02	1903 65 1931 783 1935 684 1941 770
21.01	1933 601 1935 222	27.04	1931 395 1933 513, 514 1937 118
21.02	1919 59 1933 601, 602 1935 222	27.09, 27.10, 27.13	1933 198, 241
21.03-21.12	1933 601 1935 222	27.11	1903 45 1933 198, 241
		27.12	1933 198, 241 1939 529
		27.14	1927 134
		27.15	1933 520
		27.17	1919 211 1921 95, 259

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
27.18	1921 95	29.02	1921 118 1931 280 1933 490
27.19	1935 676, 677, 681, 682, 683	29.03	1921 118 1931 280 1939 86 1941 23
27.20, 27.21, 27.26	1935 676, 677, 681, 682	29.04	1921 118 1931 280, 355 1941 22, 23
27.22	1935 676, 677, 679, 681, 682	29.05	1921 118 1931 280 1939 86
27.23	1903 45 1931 394 1935 676, 677, 679 1941 17	29.06, 29.03	1921 118 1931 280
27.24	1903 45	29.07	1921 118 1931 230 1933 490
27.25	1935 679 1937 121	29.09	1921 118
28.01, 28.02	1937 46	30.07	1927 118 1941 27, 28
28.06	1905 154 1917 213 1933 252 1941 7	30.03	1927 118 1931 405 1941 27, 28
28.08	1931 494 1933 249	30.09	1919 130 1927 118 1931 405 1941 27
28.21	1921 244 1933 523, 524	30.16	1937 73 1941 55
28.22	1903 71 1933 242	30.19	1937 76 1941 185
28.24	1905 98, 142 1927 367, 377, 445 1929 295, 389 1931 303, 401, 469, 481, 489, 491, 572, 575, 620, 793, 803, 902 1933 247, 251, 254 1935 252, 253, 254, 258 1937 44, 63 1939 27, 29, 351 1941 18, 19, 20, 21, 22, 47, 63, 68	30.23	1903 73 1905 192 1907 180, 212 1911 60 1913 76, 203 1917 161 1919 169, 297 1921 258, 275, 291, 345, 375 1927 125, 329, 338 1929 291, 294, 322 1931 518, 626, 634, 639 1933 215, 251, 260, 261, 263 1935 273, 274 1937 78 1939 60, 64 1941 28, 29, 36, 37, 39, 40, 50, 53, 59, 136, 532
28.25	1905 142, 194 1919 313 1929 388		
28.26	1905 209 1933 251		
28.27	1905 98, 209 1937 108		
29.01	1921 118 1931 280 1939 75 1941 22, 23		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
30.23-30.25	1941 29, 32, 33, 36, 37, 38, 40, 50	32.28	1923 265 1925 381 1935 799
30.24	1905 104 1913 255 1917 416, 468 1921 241, 375 1927 329, 338 1929 291, 322 1933 215, 251, 261	33.01	1927 151
		33.04	1937 49
		34.01	1931 468, 569, 570, 585 1935 690 1937 66 1939 58
30.25	1927 329, 338 1929 291, 322 1931 399 1933 215, 251 1935 273 1941 39	34.10	1939 59
		34.11	1907 108 1935 221 1939 45, 58, 59 1941 49 1935 221
30.26	1907 180 1909 77	34.12	
		34.13	1935 671
30.27	1913 208 1917 417 1929 290 1931 641 1933 264, 272 1941 28, 29, 40	34.18, 34.19	1929 295
		34.20	1917 137 1933 255
30.28	1931 399	36.01	1927 368 1931 585 1937 65, 68, 70, 124 1941 62, 66, 67
31.06	1929 300		
32.01	1931 317, 392, 401, 468	36.02	1927 368 1935 261
32.06	1927 133 1941 44	36.04	1927 363 1929 327, 330 1931 567
32.07	1935 786		
32.08	1931 402	36.06	1921 336 1935 259, 260
32.09	1935 799	36.07	1941 48
32.10	1911 74	36.08	1935 259
32.11	1927 308	36.09	1917 469 1921 283 1939 84
32.12	1931 468		
32.13	1941 120	36.11	1903 74 1921 294 1937 73 1941 45, 55
32.17	1937 116		
32.19	1939 66	36.14, 36.15	1931 574
32.23, 32.24	1931 402	36.17	1931 469, 575, 902, 1061 1933 254 1935 259 1939 52 1941 47, 48, 63, 755
32.25	1917 217		
32.27	1923 265 1925 381 1935 799		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
37.01	1911 75 1917 430 1925 348 1931 585, 619, 622 1935 266 1937 66 1941 62, 66, 67	38.14-38.19	1939 81 1941 16
37.02	1941 62	38.22	1935 263
37.04	1911 62 1937 50 1941 61	38.23	1933 288
37.05	1937 50	39.01-39.23	1937 9
37.06	1921 308 1927 116, 292, 380 1931 507 1935 263 1937 50, 54 1941 61	39.04	1937 9, 315
37.07	1927 116 1937 50	39.11	1937 9, 330
37.13, 37.14	1921 283 1935 269	39.18	1931 938 1935 714
37.16	1903 74 1905 192 1907 184 1911 75 1914 259 1917 436 1921 357 1925 344 1927 375, 377 1929 320, 345 1935 265, 277 1937 51, 73 1941 55, 57, 58	39.24	1929 412 1937 120 1939 17
37.18	1927 340 1933 273 1941 50	40.01	1939 92, 94 1941 784
37.20	1907 184 1927 338 1941 50, 53, 59	40.07	1941 784
37.21	1939 48	40.09-40.13	1933 240
37.22	1917 435 1925 96 1931 619 1933 268 1939 49, 50	40.22	1929 295
38.01-38.09	1933 515 1939 50	40.23	1929 295, 316 1939 92
38.11	1933 515	40.24	1931 480 1933 525 1939 92 1941 68
		40.25	1939 91
		40.26	1905 54 1935 786
		40.29	1911 87 1933 513 1935 256, 279 1939 91
		40.29-40.35	1903 40
		40.30	1935 256
		40.31	1911 87 1933 392
		40.32	1935 256 1941 68
		40.34	1929 309
		40.35	1933 513
		41.01, 41.02,	
		41.06, 41.07	1935 809

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL YEAR	REPORT PAGE	FLORIDA STATUTES	BIENNIAL YEAR	REPORT PAGE
41.03, 41.05	1929 339 1935 809		49.03	1931 487, 805, 826, 956 1933 138 1935 85, 724 1941 70	
41.04	1935 809 1941 55		49.04	1941 282	
41.08	1933 525 1939 91		49.06	1927 169, 198 1941 72, 282	
42.04	1941 554		49.07	1917 376 1927 169, 198 1929 405 1931 665, 1051 1933 138 1935 725	
43.01	1935 377		50.08	1927 308	
43.03	1927 363		52.03	1933 142	
45.01	1937 46		52.11	1931 267, 269	
46.01	1935 750 1941 554		53.07	1935 685 1939 50	
46.06	1909 67 1939 528		53.08, 53.09	1939 50	
47.03	1927 358 1935 264		54.03	1933 307, 488	
47.12	1935 277, 278, 796 1941 58		54.04-54.06	1933 488 1935 253 1937 123, 131 1941 7, 8, 9	
47.26	1933 550		54.17	1927 379	
47.27	1931 788 1937 487		55.03	1937 186	
47.29-47.32	1935 775, 776		55.04	1937 38, 187	
47.34-47.45	1927 137, 138, 139, 140, 143, 144, 145, 154, 159, 308 1931 231, 242, 243 1933 554		55.08	1915 145 1929 290 1933 524	
47.46	1929 385 1931 820		55.10	1933 523, 524 1939 30	
47.47	1929 239		55.12	1915 145	
48.07, 48.08	1927 137, 138, 139, 140, 143, 144, 145, 154, 159, 308 1931 243 1933 554		55.27	1931 504	
48.11	1941 70		55.30	1931 504 1935 272	
49.01	1917 219 1929 404 1931 956 1933 138 1935 85 1941 282		55.39, 55.40	1941 600	
			55.45	1931 701 1935 809	
			58.05, 58.06	1903 69 1905 55, 157, 202 1913 77, 180 1917 433	

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
59.05	1939 25	81.12	1939 84
59.21-59.26	1927 317	81.26	1927 367
59.36	1933 489		1931 576, 620
61.01-61.07	1931 623		1933 254, 256
62.25	1931 895		1935 259
62.32-62.35	1935 763		1937 63
62.36	1935 98, 99		1939 351
64.04	1933 538		1941 62, 63, 65,
64.11	1929 261		782
	1941 20	81.31	1939 51
65.01	1935 750	81.32	1935 264
65.02	1933 544	82.07	1905 100
	1935 701, 750	82.20	1927 367
65.13	1939 557	23.04	1935 120
69.02	1917 177	83.19	1905 122
	1925 258	83.28	1939 91
70.03	1905 150	83.28-83.38	1931 837
71.07	1905 150	83.31	1939 91, 93
71.09	1939 141, 143	83.35	1935 796
71.13	1913 173	85.18	1933 20, 384, 387,
73.01	1919 270		449, 450
73.01-73.25	1941 74		1935 493
73.06	1933 620		1939 487, 488, 542
75.01-75.16	1919 221	86.08	1937 358
75.02, 75.03	1927 183	90.01	1903 61
	1941 290	90.14	1927 315
75.11	1925 334		1931 358
	1927 445		1935 687
	1941 21		1937 231
79.08	1917 432	90.21	1941 598
	1927 386	91.02, 91.03	1937 120
	1935 799	91.21	1927 251
81.01	1939 84	92.16	1903 28
81.01-81.32	1917 469	92.24	1905 196
81.02	1931 504	95.01-95.23	1941 312
81.08, 81.09	1927 374	95.08	1939 37, 43
	1941 55	95.11	1925 302, 303
			1931 288, 792
			1939 43

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
95.12, 95.20	1931 860	98.13-98.16	1907 39
98.01	1903 62	1925 357	
	1905 145	1927 127, 128, 147	
	1907 178, 179	1929 370	
	1909 68	1931 523, 652	
	1913 191	1939 68	
	1915 272	1941 86	
	1921 339, 369, 372, 376	98.13-98.21	1905 89
	1923 239, 299	98.17	1917 463
	1925 357, 363, 375	1931 647	
	1927 127, 227, 310, 321, 329, 398, 400, 401, 402, 405, 428, 432, 453	1939 185	
	1929 397	1941 86	
	1931 498, 640, 648, 661, 665	98.22	1905 65, 169, 173
	1933 326, 345, 346, 349, 351, 356, 358, 542, 545	1907 178	
	1935 337, 342, 345, 352, 353, 359, 362, 370, 372, 379, 386, 389, 434, 699, 700	1913 87, 258	
	1939 102, 158, 446	1915 122, 124, 157, 257, 269	
	1941 784	1917 239	
98.02	1937 136, 145	1919 156	
	1939 159, 501	1921 390	
98.03	1925 367	1925 336, 366	
98.04	1917 228	1927 329, 409, 417	
98.05	1903 63	1931 580, 663, 665, 666	
	1913 245	1933 347, 350, 371	
	1929 255	1935 225, 345, 356, 386	
	1931 943	1937 141	
	1935 207, 446	1941 86	
	1939 39	98.23	1937 141
98.06	1939 151	98.24	1935 717, 782
98.08	1931 595, 752, 1062	1939 327	
	1933 365	1941 704	
98.09	1935 387	98.27	1913 258
98.10	1905 145	1921 396	
	1919 58	1927 419	
98.11	1903 62	1931 664, 665, 666, 1033, 1034, 1045	
	1913 87	1933 348, 349	
	1919 160	1935 344	
	1925 364	98.28, 98.29	1937 138
	1935 340, 345, 357, 371, 379	98.30	1933 354
98.12	1931 1014, 1015	1935 341	
	1937 147	98.31	1927 406
	1939 185	98.32	1903 67
		1927 408	
		98.34	1927 409
		1931 475	
		98.34-98.37	1905 153
		98.36	1931 475
			1933 352

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
98.38	1903 63	99.13	1919 154 1927 158
98.39	1925 356 1927 400, 405 1931 657 1939 102	99.15	1935 338
98.40	1905 65, 173 1923 210 1925 361, 362, 364 1927 399, 406, 409 1931 382, 498, 525 1933 351	99.16	1933 343 1935 377, 740
99.01	1903 89 1905 153 1931 662 1933 326 1939 373	99.18	1915 302 1927 421
99.02	1931 992 1937 135	99.19	1927 421 1933 365 1939 113
99.03	1927 326, 351 1935 347, 365 1939 109, 151	99.21	1927 391
99.04	1933 351 1935 347 1939 109	99.22	1939 109
99.05	1931 640 1935 347	99.23	1919 136
99.06	1929 395 1931 992 1941 291	99.25	1919 136 1923 229, 230 1927 371 1929 396 1931 993
99.07	1929 396 1931 993, 997 1935 353	99.28	1927 327 1935 365
99.08	1933 344	99.29	1927 370 1929 306 1931 729 1935 338, 346 1939 108
99.09	1939 109	99.30	1927 391 1929 369 1931 528, 642 1935 350
99.10	1913 237, 260 1917 228, 477 1919 134, 154 1921 399 1923 280, 282 1925 352, 378 1927 296, 331, 333, 420 1931 245, 246, 659, 900, 1021 1933 290, 345, 347, 363, 364, 365, 366 1935 366 1941 78	99.32	1929 369 1931 528, 642 1935 350
99.10-99.13	1905 173	99.33	1931 904
99.11, 99.12	1919 154	99.34	1935 346
		99.39	1935 354 1939 108
		99.40	1927 444 1935 354
		99.42	1935 346, 347, 387
		99.43	1931 720 1935 346, 347, 337
		99.44	1933 319 1935 387 1937 151

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
99.45	1933 319 1935 387	101.05, 101.06	1935 357, 370, 372, 391 1939 158
99.48	1927 294 1929 319 1933 360 1939 208	101.07	1927 407, 434 1931 548 1935 357, 358, 370, 372, 391 1939 100, 158 1941 78
99.49	1933 319, 371	101.08, 101.10	1927 407, 434 1935 357, 358, 370, 372, 391 1939 100, 158
99.50	1931 645	101.09	1927 407, 434 1933 351 1935 357, 358, 370, 372, 391 1939 100, 158
99.53	1933 319	102.01	1941 242
100.01	1935 364 1939 192	102.01-102.68	1913 86, 90, 98, 102, 190, 196, 204, 227, 228, 229, 230, 231, 236, 243, 252, 260 1915 122, 124, 126, 127, 130, 131, 136, 257, 268, 269, 274, 286, 289 1917 239, 246, 462, 463, 465, 474 1919 305 1931 223 1935 369 1939 112
100.02	1935 364	102.02	1903 62 1905 191, 193 1927 348, 428 1929 368 1931 223, 235, 236, 241, 245, 246, 489, 493, 556, 560, 580, 582, 583, 640, 645, 651, 659, 701, 765, 912, 949, 969, 975, 991, 1003, 1065 1933 356, 361, 262, 363, 364 1935 341, 355, 360, 361, 374, 382, 383 1939 102, 112 1941 78
100.03, 100.04, 100.10	1935 364 1939 6, 14, 192	102.03	1933 356
100.05-100.09	1935 364		
100.11-100.13	1935 364		
100.13	1939 6		
100.14, 100.16, 100.17	1935 364 1939 6, 14, 192		
100.15	1935 364		
100.18	1935 364 1939 107		
100.19-100.22	1935 364		
100.23-100.27	1935 364 1939 6, 14, 192		
100.28, 100.29	1935 364 1939 107		
100.34	1939 103		
101.01	1933 351 1935 370, 372, 391 1939 100, 158		
101.01-101.10	1917 159 1923 258		
101.02	1927 348, 364, 428 1935 357, 370, 372, 391 1939 158		
101.03	1935 357, 370, 372, 391 1939 158 1941 78		
101.04	1931 582 1935 357, 358, 370, 372, 391 1939 158		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
102.04	1931 235, 241, 488, 489, 493, 556, 560, 580, 582, 583, 640	102.07	1923 246, 360 1927 312, 403, 435 1931 654, 655, 661, 712 1933 355 1935 357 1937 143 1939 102, 112
102.05	1931 645, 651, 659, 701, 765, 912, 949, 969, 975, 991, 1003, 1065 1933 356, 361, 362, 363, 364 1935 341, 355, 360, 361, 374, 382, 383 1937 143, 144 1939 111, 112	102.18	1921 381 1923 240 1925 375, 376 1927 227, 228, 402, 435 1931 241, 488, 489, 493, 556, 560, 580, 582, 583, 640, 645, 648, 651, 659, 701, 765, 912, 949, 969, 975, 991, 1003, 1065 1933 356, 361, 362, 363, 364 1935 341, 355, 360, 361, 374, 375, 379, 382, 383
102.07	1929 319, 368 1931 223, 235, 236, 241, 488, 489, 493, 556, 560, 580, 582, 583, 640, 645, 651, 659, 701, 765, 912, 949, 969, 975, 991, 1003, 1065 1933 356, 360, 361, 362, 363, 364 1935 341, 349, 355, 360, 361, 374, 377, 382, 383 1939 102, 112	102.19	1933 359 1935 343, 300
102.08	1929 365 1931 641, 660 1939 108	102.21	1927 412 1931 363 1939 103, 105, 106
102.09	1925 360 1927 312 1931 652 1937 141, 143 1939 102, 112	102.22	1931 236
102.10	1921 373	102.23	1923 226 1927 348, 418 1931 653, 655, 910 1933 356, 358
102.11	1927 409, 429 1931 654, 666, 880	102.25	1927 404 1931 657, 971 1933 352 1935 373
102.12	1923 278 1927 414 1931 640 1933 355 1935 350, 380	102.27	1921 374 1927 149 1929 391 1935 377
102.13	1935 380	102.29	1927 152, 322, 397 1931 880 1939 102, 112
102.14, 102.15	1939 101, 106		
102.16	1939 638		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL YEAR	REPORT PAGE	FLORIDA STATUTES	BIENNIAL YEAR	REPORT PAGE
102.31	1935	376	102.43	1931	236, 241, 488, 489, 493, 556, 560, 580, 582, 583, 640, 645, 651, 659, 701, 765, 912, 949, 969, 975, 991, 1003, 1065
	1939	112		1933	356, 361, 362, 363, 364
102.32	1927	365		1935	341, 355, 360, 361, 374, 382, 383
	1931	236, 241, 488, 489, 493, 556, 560, 580, 582, 583, 640, 645, 651, 659, 701, 765, 912, 949, 969, 975, 991, 992, 1003, 1065	102.44	1927	333
	1933	356, 361, 362, 363, 364		1931	236, 241, 488, 489, 493, 556, 560, 580, 582, 583, 640, 645, 651, 659, 701, 765, 912, 949, 952, 969, 975, 991, 1003, 1065
	1935	341, 355, 360, 361, 374, 382, 383		1933	356, 361, 362, 363, 364
	1941	84		1935	341, 355, 360, 361, 374, 382, 383
102.33	1927	318, 319, 365		1939	102, 112
	1931	236, 241, 488, 489, 493, 556, 560, 580, 582, 583, 640, 645, 651, 659, 701, 765, 912, 949, 969, 975, 991, 1003, 1065	102.45-102.47	1931	236, 241, 488, 489, 493, 556, 560, 580, 582, 583, 640, 645, 651, 659, 701, 765, 912, 949, 969, 975, 991, 1003, 1065
	1933	356, 361, 362, 363, 364		1933	356, 361, 362, 363, 364
	1935	341, 355, 360, 361, 374, 382, 383		1935	341, 355, 360, 361, 374, 382, 383
	1941	84			
102.35	1927	153		1927	294
	1931	237		1931	236, 241, 488, 489, 493, 556, 560, 580, 582, 583, 640, 645, 651, 659, 701, 765, 912, 949, 969, 975, 991, 1003, 1065
	1935	349		1933	356, 361, 362, 363, 364
	1939	113		1935	341, 355, 360, 361, 374, 382, 383
102.37	1931	528			
102.38, 102.39	1931	236, 241, 488, 489, 493, 556, 560, 580, 582, 583, 640, 645, 651, 659, 701, 765, 912, 949, 969, 975, 991, 1003, 1065	102.48	1927	294
	1933	356, 361, 362, 363, 364		1931	236, 241, 488, 489, 493, 556, 560, 580, 582, 583, 640, 645, 651, 659, 701, 765, 912, 949, 969, 975, 991, 1003, 1065
	1935	341, 355, 360, 361, 374, 382, 383		1933	356, 361, 362, 363, 364
102.39	1939	113		1935	341, 349, 355, 360, 361, 374, 382, 383
102.42	1927	406, 407	102.49	1937	143, 144
			102.51	1939	102, 111, 112
				1941	78, 88
				1927	153
				1935	745

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
102.53	1935 369	103.08, 103.12	1909 41
102.55	1913 204 1923 229 1927 128, 294, 399, 405 1931 236, 241, 488, 489, 493, 556, 560, 580, 582, 583, 640, 641, 645, 651, 659, 701, 765, 912, 949, 969, 975, 991, 1003, 1065 1933 356, 361, 362, 363, 364 1935 341, 355, 360, 361, 374 1939 39	104.01, 104.02	1931 664
102.56	1923 229	105.06	1931 912, 913
102.57	1927 320, 352, 365 1931 236, 241, 488, 489, 493, 556, 560, 580, 582, 583, 640, 645, 651, 659, 701, 765, 912, 949, 969, 975, 991, 1003, 1065 1933 356, 361, 362, 363, 364 1935 341, 355, 360, 361, 374, 383, 384 1939 114	107.01-107.11	1933 351, 366, 367
102.59	1927 320, 353 1929 303 1931 488, 489	111.01	1929 263 1931 357, 645 1933 23, 444, 602, 615 1935 422, 499, 500, 528, 676, 682, 684, 776 1937 121 1941 16, 17
102.61	1927 317, 429 1929 303, 395 1931 474, 489, 926, 939, 947 1935 363, 374, 392	112.01	1931 640 1933 346, 542 1935 353, 434, 699 1941 784
102.62	1927 317 1931 560 1935 374	112.02-112.04	1933 402, 420, 575 1935 439, 757 1937 175 1941 92, 591
102.64	1927 353 1931 241, 242 1933 359 1935 384	112.05	1935 504 1937 79, 465 1939 559 1941 92, 513, 540
102.67	1941 84	112.06	1933 438, 440, 611, 612, 616, 617 1935 218, 473, 587, 748 1937 113 1939 81, 426 1941 14, 15, 91
103.01-103.20	1931 1014, 1015 1937 147 1939 185 1941 149	112.08-112.14	1941 89, 90, 540
103.02	1909 41 1916 145	113.01	1933 195, 628 1937 54 1941 97
		113.02, 113.03	1933 195 1937 54
		113.05	1929 195 1939 406
		113.06	1929 195
		113.07	1941 84, 95
		114.01	1907 43, 88 1913 222 1915 269, 300 1917 86 1925 93, 350 1927 294, 396 1929 323 1931 865 1933 346 1937 72 1939 35, 225, 373 1941 127, 784

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
114.02	1917 195	117.01	1909 79 1927 147 1929 195 1939 405 1941 125
114.04	1907 88 1909 35 1915 117 1931 238 1933 515 1939 35 1941 241, 242	117.02	1927 147 1939 405, 406
115.01	1941 103	117.03-117.06	1939 405
115.01-115.06	1917 213, 215, 218 1925 374 1941 112	117.07	1931 755 1939 405
115.03	1941 102	118.01	1933 628
115.06	1941 103, 108	118.01-118.03	1917 108
115.07	1917 213, 215, 218 1939 215 1941 108, 112	118.03	1921 58 1933 628
115.08	1941 99, 101	119.01	1931 658 1933 588 1935 732 1937 100 1941 126
115.08-115.15	1941 99, 103 - 110, 112 - 115, 117, 264	119.03	1935 270
115.09	1941 98, 103, 106, 108, 110, 112, 115, 116	124.03	1905 201 1915 156
115.14	1941 105	124.04	1929 400 1931 487 1933 214 1935 237
116.01, 116.02	1919 186 1937 97	124.05	1927 313
116.03	1929 311 1931 509, 510, 569 1933 199	125.01	1903 72 1905 194 1907 189 1923 214 1927 344 1929 296, 314 1931 222, 501, 516, 570, 631, 665 1933 212, 213, 218, 491, 549 1935 236, 729 1937 61 1941 131, 135, 136, 542, 685
116.07, 116.08	1933 208	125.01(4)	1941 542
116.10, 116.11	1933 571, 573 - 576, 578 - 580 1935 518, 723 1939 217	125.02	1935 237
116.12	1929 184, 205 1933 447, 449, 563, 569, 617 1935 567, 577 1941 119, 120, 121, 123, 124, 484	125.03	1917 445 1925 325 1929 336 1931 465, 466, 547, 589 1933 210 1935 208, 680 1939 35 1941 131
116.13-116.15	1935 789		
116.16-116.20	1941 117, 120, 121, 124, 484		
116.20	1941 118		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
125.04	1917 445 1925 325 1931 465, 466, 522, 547 1935 680 1939 35 1941 49	129.03	1927 289, 313 1929 303, 314 1931 252, 308, 501, 516, 558, 934, 1017 1935 212, 231, 234 1941 347
125.06	1933 212	129.04	1927 313 1931 1017 1935 231
125.08	1927 323 1935 235 1941 282	129.05	1905 155 1927 313 1931 282, 308, 526, 564, 934, 1017 1933 200, 201 1935 231, 276, 808 1937 57, 73 1939 28, 40, 42 1941 131, 138, 347, 446, 447
125.09	1917 224 1931 560, 561 1933 217 1935 222	129.06	1927 313 1931 1017 1935 231 1939 42, 193
125.11	1905 184	129.07	1927 313 1931 1017 1933 157 1935 231
125.12	1905 184 1916 143, 144	129.08	1931 529 1935 219, 221, 245 1937 65 1939 42
125.16	1905 56 1907 196 1917 375 1925 223 1931 381, 491, 569 1933 215 1937 57 1941 133, 251	129.09	1931 529 1933 353 1935 219 1939 42
125.17	1905 194 1919 313	130.01	1909 41 1925 102 1937 407 1939 424
125.18-125.21	1905 152 1931 299, 913	130.02, 130.05	1909 41
125.22	1933 194	130.03	1909 41 1931 1014, 1015 1937 147 1939 185
125.23-125.29	1937 136 1939 116, 303, 304	130.04	1909 41 1917 433
127.02	1941 131	130.06, 130.07	1909 41
128.01	1933 418, 419	130.08	1909 41 1917 450 1921 246, 248
128.01-128.07	1939 162	130.09, 130.10	1909 41
128.07	1921 314 1933 419		
129.01	1927 313, 344 1931 309, 477, 1017 1933 157 1935 231, 808		
129.01-129.09	1915 149 1919 235 1921 164		
129.02	1927 313 1931 516, 1017 1935 231, 808 1939 304		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
130.11	1919 112 1925 307 1931 524	136.05	1921 248 1923 263 1933 128, 129
130.12	1909 41 1919 75 1921 248	136.06	1905 155 1915 143, 144 1921 248 1923 263 1935 217
130.13	1909 41	136.07-136.09	1921 248 1923 263
130.16	1919 295 1923 260, 281 1931 375, 402, 403 1941 141	137.01	1933 241 1935 207, 249 1939 193 1941 102
130.18	1931 1014, 1015 1937 147 1939 185	137.02	1927 437 1933 241 1935 249 1939 75
131.01-131.06	1927 301	137.03	1935 207
132.01-132.19	1931 228 1933 187, 189 1935 463	137.04	1931 515 1933 217 1939 55
132.20	1931 228 1933 187, 189, 440 1935 463	137.05	1905 47 1931 963
132.21-132.32	1931 228 1933 187, 189 1935 463	137.06	1931 963
132.27	1941 141, 423, 454	138.01-138.06	1905 172
132.29	1941 21	139.01	1907 195 1939 112
132.31	1931 950	139.01-139.14	1913 242 1915 9 1917 408, 442 1931 477 1939 525
135.01	1921 154 1927 291 1931 631 1933 549	140.01	1921 139 1923 259 1935 81
135.02	1927 291 1931 631 1933 549	140.01-140.23	1913 192, 202 1915 244 1917 423
136.01	1915 143, 144 1921 248 1927 194 1931 512 1933 277, 293, 294	140.02, 140.03	1923 259 1935 81
136.01-136.09	1917 459 1919 184	140.04	1921 254 1923 259 1935 81
136.02	1921 248 1925 319 1927 176, 305 1929 230, 358 1931 511 1933 194, 287, 415	140.05-140.10	1923 259 1935 81
136.03, 136.04	1921 248	140.11	1923 259 1931 525 1935 31

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
140.14-140.16	1923 259 1935 81	144.06	1905 102
140.17	1923 259 1933 219 1935 81	145.01	1921 401 1927 202, 334, 431, 454 1929 304, 309, 316, 329, 331, 353 1931 400, 401, 486, 569, 702 1933 198, 199, 250 1937 41, 53, 82, 106 1939 26, 33, 112 1941 143, 144
140.18-140.22	1923 259 1935 81	145.01-145.07	1919 164, 165, 212, 302, 311, 313 1921 229
140.23	1935 81	145.02	1921 401 1927 202, 334, 431, 454 1929 316, 329, 331, 353 1931 400, 401, 486, 569, 702, 932, 957 1933 198, 199, 215 1935 220 1937 63 1939 26, 27, 32, 33, 53, 55, 56, 72, 74
142.01, 142.02	1939 86	145.03	1921 401 1927 202, 334, 431, 454 1929 304, 316, 329, 331, 353 1931 400, 401, 486, 509, 510, 569, 686, 702, 932 1933 198, 199 1935 215 1937 105 1939 26, 27, 53, 56
142.03	1905 37 1933 199, 212, 218, 259 1935 799 1937 108 1941 135, 771, 772	145.04	1929 304, 353 1931 509, 510, 686, 932 1935 215 1939 27
142.04	1915 143, 144, 236	145.05	1921 401 1927 202, 334, 431, 454 1929 316, 329, 331, 353 1931 400, 401, 486, 569, 702 1933 198, 199 1939 26, 27, 53, 56
142.09	1905 174, 201 1931 830 1935 218, 266 1937 65 1939 50, 65 1941 136		
142.10	1941 136		
142.11	1931 484 1931 484 1937 61 1941 136, 778		
142.12	1915 145, 236		
142.13	1935 218		
142.14	1927 329, 338 1929 291, 297, 322 1931 380, 309, 633, 830 1933 259, 260, 267 1935 273 1937 77 1941 39, 139		
142.15	1937 77		
142.16	1905 64 1935 688		
143.01, 143.02, 143.04	1905 160 1935 207		
143.03	1905 160		
144.01	1921 63		
144.03	1941 137		
144.04	1929 348		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
145.07	1941 143, 144	167.41	1931 679
146.01	1925 89, 102	167.44	1925 371 1931 1030
	1927 372	167.47	1931 725, 805, 833
	1931 549	167.61	1929 175 1931 765 1933 536 1941 150
	1935 807	168.03	1935 697
	1941 32, 146	168.11	1919 289
146.02	1927 372	168.12	1905 210 1919 289 1929 389
	1931 549	171.04	1917 425 1931 919
	1935 274	175.01-175.27	1939 130, 548, 549, 550
	1937 59	177.01	1933 634
146.03, 146.04	1927 372	177.09	1925 385
	1931 549	177.12	1933 634
146.05	1927 372	180.01-180.03	1935 474
	1931 549	180.04-180.26	1935 474
	1935 274	192.01	1929 201, 213 1931 693, 722, 745, 914 1935 240, 243 1939 508
151.01	1941 147	192.02	1935 243
154.01-154.05	1933 435	192.03	1927 192, 335 1931 745 1933 64, 105, 126 1935 98, 99, 120, 243 1937 581, 601 1939 470, 474
	1937 55, 99, 260	192.04, 192.05	1931 745 1933 64, 105, 126 1935 98, 99, 120, 243 1937 581, 601 1939 470, 474
155.01	1939 125		
155.01-155.03	1937 282		
156.02	1917 193		
165.01	1907 177 1931 773		
165.02	1933 6		
165.12	1907 204 1933 350		
165.13	1907 204 1927 440		
165.19	1931 753		
165.26	1913 251 1917 425 1931 742, 798		
165.27	1913 251 1917 425 1931 798		
165.28	1913 251 1917 425 1931 798 1935 121		
166.01-166.15	1919 200		
166.07	1935 451		
167.05	1941 514		
167.21	1931 368		
167.40	1907 175		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
192.06	1905 38 1907 44 1909 65 1919 204 1923 107, 124, 256 1925 158, 184, 188, 188, 370 1927 425, 431 1929 213, 217, 370, 372, 373, 384, 394 1931 253, 374, 398, 469, 471, 562, 672, 676, 684, 722, 776, 788, 914 1933 88, 90, 91, 93, 96, 99, 100, 231 1935 56, 70, 84, 243, 557, 730, 1939 450, 451, 508 1941 156, 172, 229	192.23	1917 166 1935 243
192.07	1935 243	192.24	1935 243 1939 514 1941 188
192.08	1935 243, 596 1941 158	192.25	1933 119 1935 243
192.09	1927 335 1935 79, 243	192.26	1927 124, 188 1933 445, 446 1935 243 1937 205, 605, 608
192.10	1935 243	192.31	1941 457
192.11	1935 54, 71, 243	192.35-192.38	1929 29 1935 243 1937 47, 92, 593, 624 1939 31 - 33, 38, 424, 459, 504, 505, 508, 510, 512, 514
192.12-192.20	1935 58, 61, 63, 65, 239, 240, 243 1937 522, 523, 524 1939 438, 441, 442, 446, 448	192.37-192.39	1941 155, 160, 167, 170, 171, 188, 189, 191, 193, 194, 203, 361
192.21	1925 171 1929 199, 208, 211, 234, 297, 305, 404, 405, 406, 408 1931 251, 263, 372, 461, 471, 472, 478, 496, 497, 673, 754, 785, 786, 1007 1933 94, 105, 114, 117, 118, 120, 126, 132, 133, 138, 141, 247 1935 79, 90, 98, 105, 120, 242, 243, 513, 557, 724, 725	192.39	1935 243
192.22	1935 243	192.40	1931 331, 395, 530, 713, 747, 771, 780, 787, 815, 1009 1935 95, 97, 129, 149, 243
		192.40-192.44	1941 152, 153, 154
		192.41	1929 199, 208, 211, 234, 297, 305, 404, 405, 406, 408 1931 251, 263, 331, 372, 461, 471, 472, 478, 496, 497, 713, 747, 754, 771, 780, 785, 786, 787, 815, 1007, 1009 1933 114, 118, 120, 132, 133, 141, 247 1935 90, 95, 97, 98, 105, 120, 129, 149, 243, 513, 557, 724, 725

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL YEAR	REPORT PAGE	FLORIDA STATUTES	BIENNIAL YEAR	REPORT PAGE
192.42-192.44	1931	331, 713, 747, 771, 780, 787, 815, 1009	193.01-193.75	1907	85, 93, 94, 108, 110, 113, 203
	1935	95, 97, 129, 149, 243		1909	46
				1913	3, 92, 150, 186, 198
192.45	1941	170		1915	142, 144, 183, 210, 232, 295
192.45-192.50	1935	243		1917	183, 224, 358, 362, 363, 369, 372, 438
192.51, 192.52	1929	199, 208, 211, 234, 297, 305, 404 - 406, 408		1919	190, 288
	1931	251, 263, 372, 461, 471, 472, 478, 496, 497, 754, 785, 786, 1007	193.02	1921	368
	1933	114, 118, 120, 132, 133, 138, 141, 247		1923	299
	1935	90, 98, 105, 120, 243, 513, 557, 724, 725		1927	399, 427
				1929	183
				1931	495, 658, 920, 948, 949
				1935	243, 370
192.53	1935	243	193.03	1931	658
192.54	1929	199, 208, 211, 234, 297, 305, 404 - 406, 408		1935	243
	1931	251, 263, 372, 461, 471, 472, 478, 496, 497, 754, 785, 786, 1007		1941	174, 187, 308, 370
	1933	114, 118, 120, 132, 133, 138, 141, 247	193.04	1933	80 - 85, 103, 108, 121, 146, 154, 176, 186, 244
	1935	90, 98, 105, 120, 243, 513, 557, 724, 725		1935	49, 50, 95, 179, 183, 201, 387, 394
				1939	22, 207, 210, 251, 505
				1941	151, 153, 189, 436, 448
192.55-192.59	1935	243	193.04-193.07	1935	243
192.56, 192.57, 192.59	1929	199, 208, 211, 234, 297, 305, 404 - 406, 408	193.08	1927	172, 192
	1931	251, 263, 372, 461, 471, 472, 478, 496, 497, 754, 785, 786, 1007		1931	315
	1933	114, 118, 120, 132, 133, 138, 141, 247		1933	58
	1935	90, 98, 105, 120, 243, 513, 557, 724, 725		1935	243
			193.10	1933	147
				1935	243
			193.11	1907	44
				1927	335
				1929	378, 381
				1931	513, 676
				1933	226
				1935	231, 240, 243, 310
				1941	171
			193.12	1921	85
				1927	192
				1929	207
				1931	254
				1933	230
				1935	243

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
193.13	1921 85 1935 243, 245	193.31	1905 44, 45 1935 243 1939 304
193.14	1933 127 1935 243	193.32-193.34	1935 243
193.15	1935 243	193.35	1931 513 1933 64 1935 243
193.16	1931 513 1935 243	193.36	1921 296 1935 243
193.17	1933 208 1935 243	193.37	1935 243
193.18	1933 221 1935 243	193.38	1929 292 1931 304
193.19	1935 243	193.39	1933 145
193.20	1927 426 1933 87, 139 1935 124, 240, 243	193.41	1929 212, 417 1939 469, 470 1941 186, 369
193.21	1927 296 1935 243 1941 196	193.42	1915 142 1925 164 1933 128, 129
193.22	1905 7, 93, 198 1935 126, 240, 243	193.43	1925 164 1935 81
193.23	1925 178 1927 189 1931 291 1933 82, 122 1935 82, 248	193.45	1933 116, 208 1935 597
193.24	1935 243	193.46	1927 335 1929 375 1931 513 1933 215 1939 470
193.25	1907 87, 165 1913 186 1915 210 1921 83, 85 1925 91 1929 387, 388 1931 690 1933 115, 231 1935 243	193.47	1929 375, 378 1931 513 1935 37, 38 1939 470
193.26	1907 87, 165 1913 186 1915 210 1921 404 1933 231 1935 243	193.48	1929 375
193.27	1915 210 1921 86, 158 1925 373 1931 690 1933 140, 231 1935 243	193.49	1927 335 1929 375 1933 125, 215 1941 182, 185
193.28, 193.30	1935 243	193.51	1917 220 1921 236 1925 373 1927 169, 193, 455 1929 224 1931 286, 781 1933 135, 136 1935 85, 86, 724, 725 1941 70, 174, 181
193.29	1931 692, 693 1933 141 1935 243 1937 101	193.51-193.53	1903 66

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE		FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
193.52	1931 263, 1045 1933 233 1935 88 1937 102 1941 155		193.75	1929 377, 379, 381
			194.01	1935 550 1941 189, 194, 198, 436
193.54	1927 193 1931 263 1935 88		194.01-194.57	1907 85, 93, 94, 108, 110, 113, 203 1909 46 1913 3, 92, 150, 186, 198, 1915 142, 144, 183, 210, 232, 295 1917 183, 224, 358, 362, 363, 369, 372, 438 1919 190, 288 1933 128, 221, 328
193.55	1929 291 1931 697			
193.58	1921 135 1931 502 1933 242			
193.62	1937 44			
193.63	1927 189, 295 1929 209 1931 275, 497 691, 1030 1933 108, 227 1941 196	514,	194.02	1925 317 1929 199, 208, 211, 234, 297, 305, 404 - 406, 408 1931 251, 263, 372, 461, 471, 472, 478, 479, 496, 497, 754, 785, 786, 1007 1933 108, 111, 114, 118, 120, 132, 133, 138, 141, 247 1935 90, 98, 105, 120, 252, 513, 550, 557, 724, 725 1937 44
193.65	1903 73, 84, 85 1921 404 1927 423 1929 209, 228, 371 1931 247, 514, 515, 606, 683, 689, 691, 692, 1005, 1055 1933 225 - 228, 231, 233, 235 1935 240, 241, 242, 246, 247, 248, 254, 438 1937 83, 85, 86, 92, 95, 441 1939 70, 71 1941 121, 175, 176, 177, 178, 179, 180, 474		194.03	1935 252
			194.05	1919 306 1927 331, 427, 452 1933 109, 121 1939 76
193.66	1923 208 1931 1021, 1055 1933 221, 233, 235, 236 1935 250 1937 86, 92, 95, 97 1939 70 1941 175 - 178, 180	235,	194.06	1919 306 1927 331, 427, 452 1929 199, 208, 211, 234, 297, 305, 404 - 406, 408 1931 251, 263, 372, 461, 471, 472, 478, 479, 496, 497, 754, 785, 786, 1007 1933 108, 109, 114, 118, 120, 121, 132, 133, 138, 141, 247 1935 90, 98, 105, 120, 513, 557, 724, 725 1939 76
193.67	1927 424 1929 371 1931 311, 313, 692 1933 225 1937 85			
193.68	1931 311, 313, 692 1937 85			

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
194.07	1919 306 1927 331, 427, 452 1931 291, 691 1933 109, 121 1939 76	194.25	1929 199 1931 313 1933 119, 245 1935 252 1937 44
194.08, 194.09	1919 306 1927 331, 427, 452 1933 109, 121 1939 76 1941 196	194.26	1935 254
194.10	1919 306 1927 331, 427, 452 1929 213, 231 1931 278, 466 1933 108, 109, 121, 122, 145, 146 1935 90 1939 76	194.28	1903 42 1905 93 1929 198 1931 314, 697 1933 116, 117 1935 105 1939 459, 508 1941 198
194.11	1927 310 1929 199, 208, 211, 234, 297, 305, 404 - 406, 408 1931 251, 263, 372, 461, 471, 472, 478, 483, 496, 497, 754, 785, 786, 825, 1007 1933 114, 118, 120, 132, 133, 138, 141, 247 1935 90, 98, 105, 120, 513, 557, 724, 725	194.33	1939 503
194.12	1931 781	194.34	1935 86 1937 553 1939 503
194.15	1927 323 1931 502 1933 114, 115, 247 1935 91, 103, 104, 252, 557	194.35-194.39	1937 553, 591, 592 1941 195, 196, 198
194.15-194.24	1935 93 1937 499 1939 522	194.36	1941 156
194.16	1905 100 1929 305 1933 120 1935 104	194.42	1941 188
194.17	1919 307 1925 305, 317 1927 310 1933 120 1935 104	194.44	1927 445
194.24	1905 100, 196 1931 424, 502, 825 1933 114, 115, 247 1935 91, 103, 104, 252, 557	194.45	1941 189, 194, 436
		195.01	1921 102 1927 172 1933 8, 142, 459 1939 519
		195.05, 195.06	1935 247 1939 265
		195.07	1935 247 1937 587
		195.09	1933 104, 142, 234
		195.10, 195.11	1907 127 1913 143
		195.10-195.12	1933 8
		196.01	1927 182 1931 514 1933 116
		196.02, 196.03	1927 182
		196.04	1933 117
		196.05	1933 117 1941 457
		196.06	1935 98, 99

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL YEAR	REPORT PAGE	FLORIDA STATUTES	BIENNIAL YEAR	REPORT PAGE
196.07	1935	99	200.08	1929	207
196.08	1941	201	200.18	1941	47
197.01	1929	187	200.27	1929	378
	1931	699, 770		1931	711
197.02	1929	187		1935	37
	1931	699, 770	201.01-201.08	1931	282, 307, 310
	1933	3			359, 378, 476,
197.03-197.05	1929	187			497, 504, 724,
	1931	699, 770			815, 819, 824,
197.06	1929	187			828, 829, 831,
	1931	699, 770			832, 835, 841,
	1935	634			842, 845, 851,
	1941	495			853 - 855, 858,
197.07-197.09	1929	187			863, 878, 891,
	1931	699, 770			893 - 895, 899,
198.01-198.42	1933	61, 62, 254			907, 912, 938,
	1935	40, 259			973, 974, 979,
	1939	461, 466			980, 984, 988,
198.43	1931	284, 292, 293,			1002, 1006, 1009,
		303, 579, 888,			1016, 1017, 1028,
		936, 978, 1028,			1034, 1043, 1047,
		1031, 1032			1053
	1933	384		1933	38, 39,
198.44	1931	283, 284			41 - 48, 384
	1939	461		1935	26 - 31, 33
199.01-199.36	1931	274, 281, 680,		1937	505, 506
		685, 690, 691,		1939	435 - 437, 467,
		884, 901, 918,			468
		946		1941	212 - 215
	1933	51, 52, 225,	201.09	1931	504, 973, 974
		226, 235		1937	507
	1935	36, 39, 59,	201.10	1937	507
		69	201.11-201.13	1931	310
	1937	540, 546	201.11-201.18	1931	282, 307, 359,
	1939	436, 467 - 471,			378, 476, 497,
		473, 475 - 480			724, 815, 819,
199.02	1941	204, 206 - 209			824, 828, 829,
199.04, 199.05,					831, 832, 835,
199.08	1941	202, 206			841, 842, 845,
199.06	1931	901, 918			851, 853 - 855,
	1935	37			858, 863, 878,
199.10	1931	274, 691			891, 893 - 895,
	1941	202			899, 907, 912,
199.11	1941	202			938, 973, 974,
199.12	1941	206, 209			979, 980, 984,
199.18	1931	274, 691			988, 1002, 1006,
					1009, 1016, 1017,
					1028, 1034, 1043,
					1047, 1053
				1933	38, 39,
					41 - 48, 384
				1935	26 - 31, 33
				1937	505, 506
				1939	435, 436, 467,
					468
			201.19-201.20	1937	507

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
202.01-202.04	1935 118	205.04	1903 47 1933 22 1935 114
203.01-203.03	1931 728, 886, 894, 904	205.05	1909 47
203.43-203.45	1931 333	205.06	1903 61
204.01-204.16	1931 279, 280, 706, 708, 859, 961, 1935 3, 11, 24, 52, 109 - 116, 249, 397, 398, 450, 643 1937 560	205.09	1929 332 1935 12, 20
204.02	1941 227	205.10	1906 55 1927 204 1931 920 1935 13, 249, 570 1939 498 1941 585
204.03	1935 452, 457, 459	205.13	1939 457 1941 227, 449, 648
205.01	1903 27 1933 15, 21	205.14	1929 337 1935 8, 20, 57, 107, 108, 309, 386, 733 - 736, 739 - 741 1937 579
205.01-205.68	1907 92, 103, 113, 115, 127, 141, 156, 199 1909 45, 72, 83, 89 1913 138, 194 1915 3, 140, 148, 158, 161, 172, 266, 305 1917 102, 251, 290 1919 191, 192, 301 1921 226, 227 1929 203, 204, 234, 313, 330, 376, 381, 383 1931 314, 389, 506, 571, 577, 695, 706 - 708, 727, 743, 746, 844, 887, 920, 921, 987, 1042 1933 16, 18 - 20, 24, 325, 327, 328, 329, 597 1935 3, 13, 15, 20, 22 1937 502, 558, 564 1939 335, 454 - 457, 484, 485, 488, 518, 523, 533	205.15	1903 68 1905 176 1923 158 1931 616, 707, 886, 896, 920 1933 27 1935 10, 54 1941 225
		205.16	1927 270, 448, 456 1929 181, 274 1931 673, 772, 833, 903, 920, 1063 1933 9, 16, 25, 101 1935 10, 52, 53 - 55, 57, 69, 638, 800 1937 530 1939 453 - 457 1941 227, 499, 648
		205.17	1931 704, 784, 807, 822 1933 98 1935 17, 515, 784
205.02	1903 49 1906 51 1917 458 1927 197 1931 402 1935 18 1941 223	205.21	1903 60 1929 379, 387 1931 758 1935 17, 22 1941 230
205.03	1905 140 1921 174 1929 313	205.25, 205.30	1935 12
		205.27	1905 76 1931 298, 908

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL YEAR	REPORT PAGE	FLORIDA STATUTES	BIENNIAL YEAR	REPORT PAGE
205.29	1921	168, 251	205.53	1921	133
	1929	312		1923	107
205.31	1939	518		1927	438
205.32	1927	202, 350		1929	203, 374
	1929	315		1933	6, 7, 22,
	1931	748			36
	1933	27, 32	205.54	1941	223, 613
	1935	16		1931	251
	1937	572	205.55	1935	117
205.34	1931	694	205.56	1903	27
205.35	1931	696	205.57	1935	8
	1933	5	205.58	1933	20, 469
	1941	227, 641	205.59	1903	50, 74
205.36	1935	3, 14, 15		1905	68, 162, 206,
	1937	560, 562			207
205.39	1917	166		1921	321
205.40	1933	17		1923	111
205.41	1941	2, 227		1927	186, 286, 354
205.43	1939	536		1929	202, 215
	1941	217, 218, 221		1931	282, 700, 704,
205.43-205.45	1921	174			886
	1923	133, 134		1933	8, 9, 12,
	1925	207, 208, 209			13, 19, 36
	1927	207		1935	11, 18, 21,
	1929	239			22, 24, 109,
	1933	19, 469			115, 117, 652
	1937	158	205.60	1937	568
	1939	549		1927	204
	1941	218, 221, 222,		1929	315, 346
		223, 226, 722		1931	616, 617, 748,
205.45	1903	47			981
	1905	32	205.61	1933	12, 13, 27,
	1933	26, 472			32
	1935	609, 610		1935	737
	1939	123, 536		1939	518
	1941	2, 223		1905	148
205.47	1933	7		1927	202
205.48	1933	35, 98		1929	315
205.49	1927	197	205.63	1931	748
	1929	331, 347		1933	34
	1931	707, 708, 744		1937	572
	1933	16		1905	99
	1935	23, 114		1925	351, 383
205.52	1903	74		1935	8, 20, 22,
	1929	388			57, 107, 108,
	1931	746, 997			309, 386,
	1933	12			733 - 737,
	1939	485			739 - 741
			205.64	1941	230, 762, 764
				1929	218
			205.65	1903	28
				1905	157, 178, 207
				1907	55
				1935	17
				1939	533

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
207.01-207.38	1933 63	215.15	1927 199
208.01-208.19	1921 115, 127, 167 1925 151 1927 164, 167, 168, 182, 196, 197 1929 206, 234 1931 261, 290, 323, 324, 327, 344, 452, 766, 827 1933 76, 77, 78, 384 1935 421, 527, 758 1937 417, 419, 470, 475, 482 1939 521, 526 1941 423, 424, 473	215.17	1933 394 1935 721 1941 229
208.05	1939 433 1941 230	215.18	1927 124, 188 1933 445, 446, 637 1937 205, 348, 605, 608 1939 265
208.08, 208.09	1941 418	216.01	1939 11
208.11	1929 382 1931 457, 558 1933 177, 417 1935 26, 150, 151, 154, 155, 158, 171, 176, 179 1937 390, 391, 418, 419, 420, 422, 428, 441, 480 1941 140, 141, 310, 418, 458	216.02-216.04	1931 317
208.12	1941 418	216.05	1941 23
208.22-208.28	1931 295, 296, 301, 305, 306, 698	216.08	1931 317
208.44	1941 231	216.11	1931 317 1939 12
209.01-209.18	1939 519	218.02	1933 176
209.03	1941 458	218.06	1937 60 1941 514
215.04	1931 591 1933 198 1939 25	222.01	1903 51
215.05, 215.06	1933 198 1939 25	222.11, 222.12	1925 351
215.07	1933 252	222.13	1929 246 1931 744
215.08	1931 591	222.15, 222.16	1933 613 1935 595, 747 1939 558
215.14	1907 79, 80, 84, 104, 161, 165 1911 45 1927 199 1931 826	223.16	1941 415
		227.01-227.32	1939 162
		227.04	1941 237
		227.10	1939 216
		227.13	1931 544 1937 149, 172 1939 156, 159, 163, 216 1941 264, 283, 351
		227.14	1941 307
		228.04	1923 140 1929 360 1931 715 1933 147, 149, 398, 409, 420, 427 1935 437, 444 1937 39, 178 1941 249, 310
		228.10	

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
228.11	1939 192	230.04	1935 460
228.13	1939 145	230.06	1916 184 1939 174
228.16	1905 60, 61, 85 1933 147, 149, 398, 409, 420, 427 1935 437, 444 1937 39, 178 1939 180, 190 1941 330	230.08	1931 556 1933 255 1939 39, 174
228.17	1941 330	230.09	1937 24, 33, 34, 36
229.02	1929 219	230.10	1939 174
229.03	1933 147, 149, 398, 409, 420, 427 1935 437, 444 1937 39, 178 1941 237, 252, 261, 308	230.19	1941 241
229.06	1941 237, 252, 261, 308	230.20	1937 37 1939 131 1941 251, 252, 253, 621
229.07	1933 147, 149, 162, 398, 409, 414, 420, 423, 424, 427 1935 437, 444 1937 39, 178 1941 237, 252, 261, 282	230.21	1903 75 1921 320 1929 255
229.08	1914 116 1923 110 1927 217 1933 147, 149, 162, 398, 409, 414, 420, 423, 424, 427 1935 437, 444 1937 39, 178 1939 196, 209 1941 237, 240, 241, 245, 261, 275, 276	230.22	1903 75 1905 45 1941 249
229.08(18)	1941 308	230.22(1)	1941 295
229.15	1933 147, 149, 398, 409, 420, 427 1935 437, 444 1937 39, 178	230.23	1903 75 1905 60, 61, 85 1909 73 1913 117, 238 1915 183 1917 98, 124, 344, 431, 451 1919 81, 289 1921 201, 320 1923 110, 138, 139, 174, 254 1925 336 1927 216, 221, 299, 302, 304 1931 347, 349, 545, 546, 604 1933 147, 149, 398, 409, 419, 420, 427 1935 437, 444, 445 1937 28, 30, 39, 174, 178 1939 154, 160, 165, 166, 169, 177, 179, 184, 196, 200, 201, 211, 214 1941 244 - 251, 257, 259, 260, 274, 279, 337
229.16	1905 95 1927 217 1933 423	230.23(7)	1941 295
229.17	1914 116 1923 110 1939 196	230.24(18)	1941 295
230.01	1929 219		
230.03	1941 260, 264		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	STATUTES FLORIDA	YEAR PAGE BIENNIAL REPORT
230.30	1913 237 1915 253 1931 596, 607 1933 430, 486 1935 462 1939 67	230.43	1927 180 1929 220, 356 1931 597, 598, 612, 644, 1033 1933 402, 409, 410, 412, 423 1935 428 - 431, 442 1937 169, 173, 182, 197 1939 184, 197, 200 1941 250, 251, 256, 257, 259, 260, 269, 279
230.31	1903 75 1941 102, 264	231.03	1941 256, 271, 274
230.32	1903 75 1927 216	231.03-231.30	1923 110 1939 196
230.33	1903 75 1919 82 1937 168 1939 163 1941 246, 250, 251, 255, 257, 266, 279	231.04	1939 201 1941 274
230.34	1907 192	231.09	1927 219, 300 1933 399 1937 169, 212 1931 778
230.35	1913 247 1923 174 1925 76 1927 303 1933 406 1939 163, 215	231.10	1903 78 1913 115 1939 203
230.36	1905 49 1913 110 1915 187 1925 331 1929 356 1931 597, 598, 612, 1033 1935 428 - 431 1937 181, 182, 197 1941 261	231.14-231.27	1903 43, 44, 55, 66 1905 60, 61, 85 1907 162 1913 114
230.37	1941 261, 263	231.15	1903 78
230.38	1931 602, 612, 751 1933 413 1937 194 1939 206	231.16	1903 78 1913 115 1927 192
230.40	1941 262, 263	231.16-231.19	1939 196
230.42	1931 644, 1033 1933 402, 410, 412 1935 431, 442 1937 169, 173, 182 1941 260, 261	231.17	1939 202 1941 266, 267, 276, 295
		231.17-231.20	1903 78
		231.18	1927 219 1939 202 1941 266
		231.19-231.28	1919 227
		231.22	1903 78 1935 637
		231.23	1941 271
		231.24	1941 112
		231.27	1939 196

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
231.28	1941 276	232.29-232.32	1917 448
231.30	1935 452	232.31	1941 246
231.31	1941 187	232.34	1941 244
231.32	1941 187, 291 - 293	233.01-233.05	1913 108, 118 1917 340
231.35	1941 249, 256	233.01-233.12	1925 227
231.39	1941 99, 272, 273, 319	233.13-233.47	1925 224, 336 1935 404
231.40	1929 354 1931 265, 532, 596, 795, 859 1937 171 1939 168, 169, 171 1941 272, 277, 279	233.15	1941 8
231.41	1929 354 1931 265, 532, 596, 795, 859 1937 171 1939 168, 169	233.21	1903 78 1917 476
231.43	1939 203	233.32-233.48	1937 200, 204, 212
231.44	1939 169	233.48	1939 188
231.48	1941 264	234.01	1939 146 1941 248
231.50, 231.51	1935 425 1937 210	234.03	1941 252
231.52	1941 273	234.04	1929 339 1933 425 1935 449 1937 208 1941 281, 372
232.01	1933 430 1937 207 1939 189, 216 1941 280	235.18	1933 147, 149, 398, 409, 420, 427 1935 437, 444 1937 39, 178
232.02	1939 166	235.22	1939 167 1941 283
232.07	1941 602	235.26	1923 175, 201 1939 174
232.09	1933 430 1941 280	235.31	1925 310, 337 1929 361 1935 458 1939 175 1941 282
232.10, 232.16	1941 280	235.32	1925 337 1939 175
232.17	1933 415	236.01	1941 295
232.18(2) (b), (c)	1941 280	236.02-236.04	1931 350, 801, 814 1933 427 1939 182
232.19	1915 226 1921 70, 97, 309, 366 1923 144 1941 281	236.03	1941 288
232.19(5), (6)	1941 280	236.04	1939 148, 180 1941 286, 288
232.29	1937 26 1941 246		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
236.05	1939 144, 148 1941 288	236.33	1929 257
236.06	1939 148	236.34	1929 257 1931 607, 1033 1933 423 1935 442 1939 23
236.07	1931 350, 801, 814 1933 427 1939 182	236.35	1937 147 1941 303
236.11	1933 147, 149, 398, 409, 420, 427 1935 437, 444 1937 39, 171, 178 1939 24 1941 301	236.36	1931 378 1933 409 1937 147
236.12	1931 350, 801, 814 1933 147, 149, 398, 409, 420, 427 1935 437, 444 1937 39, 171, 178 1939 24, 146, 180, 182, 189 1941 295, 297, 299 300, 301	236.36-236.56	1913 249 1915 160, 177 1917 342, 415, 454 1935 458
236.19	1931 361 1935 722	236.37	1931 379 1937 147
236.22	1921 198 1931 542	236.38	1931 379 1937 147
236.29	1931 350, 801, 814 1933 147, 149, 398, 409, 420, 427 1935 437, 444 1937 39, 178 1939 182	236.39	1921 395 1931 379 1935 427 1937 147 1939 156, 159
236.31	1939 206	236.40	1931 379 1937 147
236.32	1905 43, 45 1915 251 1919 220 1923 254 1927 305 1929 401, 402 1931 462, 513, 517, 532, 538, 539, 543, 544, 545, 598, 599, 602, 604, 644, 752, 847, 848, 916, 982, 1013, 1049, 1050 1933 405, 411, 419, 424, 425, 427, 431 1935 443, 451, 453, 458, 460, 465, 466 1937 34, 149, 174, 187, 188, 194 1939 68, 151, 156, 159, 185, 206, 208, 211, 214	236.41, 236.42	1937 147 1941 289
		236.43	1929 360 1937 193
		236.48	1941 290
		236.49	1925 310 1929 361 1941 237
		236.53	1905 50 1909 73 1925 232 1927 180 1929 412 1931 601 1935 442
		236.54	1939 152 1941 303
		236.55	1925 207, 338, 341 1927 303, 306 1929 360 1931 608, 613 1933 406, 407, 408 1935 433, 436, 456 1939 152 1941 285, 303, 310

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
236.58	1939 178	237.28	1939 215 1941 239, 304, 307, 310, 311
236.60	1941 298	237.30	1937 182
237.01, 237.05	1941 308	237.31	1939 147, 191, 193
237.02	1939 153, 175 1941 312	237.31(6)	1941 102
237.03	1941 295, 303	237.32	1941 237
237.05-237.24	1931 806, 823, 923 1937 24, 180, 198, 206	237.33	1941 304, 310, 311
237.09(2) (d)	1941 308	238.01	1941 317, 318
237.10	1931 538 1933 85 1935 464 1939 215	238.01-238.16	1939 195, 199
237.12	1941 308	238.03	1941 319
237.14-237.16	1941 308	238.05	1939 204 1941 318, 319, 321
237.14(2)	1941 308	238.06	1939 204 1941 319
237.15(5)	1941 308	238.07	1941 313
237.17	1941 307, 308	238.10	1939 176 1941 314, 315
237.18, 237.22, 237.24	1941 308	238.11	1941 315
237.19	1939 198 1941 295, 308	239.01-239.28	1905 7, 14, 21, 94, 96 1907 36 1909 41 1911 73 1913 174 1919 202, 267 1921 119 1939 218
237.23	1933 147, 149, 398, 409, 420, 427 1935 437, 444 1937 39, 178 1941 312	239.02	1925 245 1931 410, 413 1939 218, 295 1941 327, 330
237.25	1937 28, 30. 1939 188 1941 308	239.03	1931 402, 403
237.25-237.28	1923 138, 139, 267 1925 340 1927 300, 306	239.06-239.08	1929 196
237.26	1915 152 1917 412, 431 1921 234 1931 823, 1049, 1050 1933 130, 131, 420, 422, 424, 427 1935 448, 453 1937 28, 30, 172 1939 181, 182, 198 1941 297, 301, 303, 686, 868	239.18	1933 64
237.27	1939 150, 181, 186, 189 1941 249, 306, 308	239.19	1923 247
		239.29-239.33	1935 55, 399, 421, 811
		239.34	1941 325
		239.35	1927 218
		239.59	1941 293
		240.01	1935 505

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
240.03	1931 402, 403	242.19	1941 337
240.04	1925 245 1933 466 1935 421, 512 1939 290 1941 330, 332, 336	242.22, 242.23	1921 70, 97, 309, 366 1923 144
240.10	1925 182	242.26	1925 233 1941 351
240.11	1941 323, 335, 336	249.04	1941 345, 348
240.12	1925 246	249.05	1941 348
240.15-240.26	1935 505	249.11-249.16	1941 340
241.03	1925 246 1941 330	249.12-249.16	1941 341
241.05	1941 330	250.01-250.72	1927 398
241.09	1935 405, 408 1937 1, 242	250.01-250.74	1907 154
241.23	1941 322	250.02	1939 539
241.28-241.35	1939 298	250.04	1933 95 1935 721 1941 355
241.33	1941 324	250.05	1935 774
241.38	1927 240, 245 1939 291	250.07	1935 721
241.39	1925 247 1941 355	250.08	1935 721 1939 546
242.01	1925 339 1931 372, 534 1935 461 1939 67, 211 1941 336	250.09	1927 131
242.02	1931 533 1935 460 1937 37 1941 252, 253	250.10	1907 154 1921 62
242.05	1935 416, 527 1937 5, 11 1939 218	250.13	1931 352
242.06	1935 425 1937 210	250.19	1935 721
242.08	1933 128, 129, 130, 238, 239	250.28	1941 103, 108
242.09	1919 226 1925 338 1941 249	250.30, 250.45	1931 352
242.10-242.13	1939 213	250.33	1907 168 1931 352
242.15	1919 168, 171 1935 467, 516	250.34	1907 168, 169 1917 207
		250.44	1917 141
		250.47	1923 119 1927 122, 184
		250.48	1939 220, 493
		250.49	1939 220
		250.54	1917 141
		250.57	1914 104

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
250.64	1923 76 1929 183 1931 495, 1043 1933 95, 356 1935 370	253.47	1935 559
250.72	1921 136	254.01-254.04	1931 535
250.74	1917 134	254.05	1931 535
250.75	1939 493	255.01	1919 142 1935 466
251.01	1917 139, 152, 172, 191 1919 71, 83 1939 546 1941 355, 685	255.05	1921 75 1935 482
251.13	1941 355, 685	256.06	1935 797
253.01	1907 137 1931 461	257.05	1933 642
253.02	1907 137 1941 359	258.01, 258.02	1921 130
253.03	1933 607, 608, 609 1941 359	258.07	1935 419
253.03-253.05	1933 608 1935 558, 596	258.12	1933 392 1937 10
253.08	1935 558	260.17	1941 160
253.12	1925 172 1933 608	264.01	1935 630, 816 1937 304
253.13	1925 172 1933 608 1935 558	264.02, 264.07, 264.08	1937 304
253.18	1935 558	264.10	1935 816
253.33	1929 266	264.11-264.13	1937 6
253.35	1935 54, 800	265.10, 265.11	1935 412
253.36	1935 558	265.21	1939 4
253.42	1935 678	270.03	1933 320, 321
253.45	1933 604 1935 554, 555, 558 1941 361	270.04, 270.07	1933 321
		270.07-270.09	1935 558
		270.11	1941 357
		270.16-270.21	1935 556
		270.18, 270.19	1941 361
		270.22-270.26	1935 559
		271.01	1909 64 1933 635

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
282.01	1905 61, 62, 67 1907 103, 168 1909 88 1913 70 1917 116, 256, 259, 277 1919 201, 209, 211 1921 119, 134, 136, 286 1923 103, 105, 119, 166 1925 248 1927 184, 201 1931 315 1933 379 - 381, 386- 389, 394, 457, 458, 613 1935 218, 382 - 386, 389 - 394, 397, 399, 400, 403, 404, 406, 408, 411, 414, 415, 418, 420, 422, 472, 474, 499, 504, 507, 552, 564, 633, 638, 647, 673, 678, 776 1937 8, 12, 120, 124, 227, 306 1939 2, 3, 6, 7, 9, 11, 12, 14, 15, 16, 132, 291, 293, 306, 456, 460 1941 14, 118, 123, 124, 321, 362, 363	283.22	1941 672
		284.01-284.07	1921 181 1935 772
		284.09	1935 772
		284.10-284.13	1941 364
		284.14	1941 365
		286.07	1941 362
		291.01-291.32	1907 119, 121, 124 165 1909 44
		291.01-291.36	1915 10
		291.02	1933 587 1935 729
		291.02-291.04	1905 50, 175 1907 120, 121, 124
		291.03	1933 537
		291.04, 291.05	1907 120
		291.07	1937 624, 625
		291.09	1933 587
		291.10	1933 585
		291.16	1935 729
		291.19	1933 229 1935 123
		291.20	1935 123
		291.31	1935 729
		291.32	1937 177, 626 1939 550, 551
		292.02	1935 55, 801
		293.01-293.18	1929 407 1933 588
		293.16	1935 55, 801
		295.01	1941 368
		298.01-298.75	1915 154
		298.12	1937 617
		298.36	1921 200
		298.39	1933 106
		298.41	1941 172
282.08	1941 363		
283.01	1905 66, 101 1917 278 1935 724		
283.02	1935 724		
283.04-283.10	1905 66 1941 362		
283.11	1905 66, 101		
283.12	1935 793		
283.13	1919 162 1925 135 1935 756 1939 96, 97		
283.15	1935 793		
283.21	1903 60 1905 160 1917 149 1929 329 1933 208		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
298.44	1931 899	317.22, 317.24	1941 374, 376
298.54	1941 172	317.68, 317.69	1941 374
298.70-298.73	1905 6, 18, 87, 88 1907 32	318.05	1941 404
307.01-307.07	1935 774	318.06	1933 382
308.01-308.04	1935 774	319.01	1933 567
309.01, 309.02	1935 774	319.01-319.13	1923 115 1927 272, 273, 277 1933 567
310.01	1911 77	319.02	1933 565, 568 1937 359 1941 43, 379, 382
310.01-310.27	1935 774	319.03	1935 569 1941 43, 382
310.03	1919 115 1935 774 1937 372	319.04	1941 43
310.10	1931 365	319.05	1941 380
310.11	1931 366, 368, 1025	319.07	1941 377
310.12	1931 427 1933 629	319.08	1933 382, 565 1935 404
310.13	1933 629	319.09	1941 43
310.16, 310.17, 310.20	1935 774	319.11	1933 567, 568
311.01-311.05	1935 774	319.15	1941 214, 383
312.01-312.04	1935 774	319.15-319.19	1941 383, 384
313.01	1931 366	319.17	1941 384
313.01-313.05	1925 386	320.01	1921 164 1923 82, 115 1925 156, 172, 174, 190 1927 125, 166, 167, 272, 458 1929 281, 284 1931 380, 383, 457, 458, 554, 772, 852, 897, 927, 929, 960, 1015 1933 67, 68, 69, 382 1935 560, 561, 562, 563, 566, 568 1937 548, 550, 552, 554, 556 1939 403, 416, 482, 491, 498 1941 390, 402, 404
313.01-313.06	1935 774		
314.01	1931 366 1937 351		
314.01-314.10	1925 386 1935 774		
314.03	1933 629		
314.05	1931 363, 366		
314.06	1931 364, 366, 368		
314.07, 314.08	1931 364		
314.09	1931 367		
317.01	1941 376		
317.17	1941 373	320.01(3)	1941 399

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
320.01-320.04	1925 172, 174, 190, 196 1927 126, 167, 271, 275, 311, 360, 458 1939 498	320.07-320.11	1921 164 1925 190 1927 125, 167, 272, 458 1929 284 1931 380, 383, 457, 458, 554, 772, 852, 897, 927, 929, 960 1933 67, 68, 69, 382 1935 560, 562, 563, 566, 568 1937 548, 550, 552, 554, 556 1939 403, 416, 482, 498
320.01-320.42	1923 129 1925 172, 174, 176 1927 378 1935 569, 570 1939 498		
320.02	1941 399		
320.02-320.04	1925 190 1929 284 1933 65, 66, 583 1939 77, 403, 491 1941 95, 379, 384, 398, 401, 403, 408	320.08	1911 48 1913 180, 194 1915 121, 163, 218, 259 1917 204, 271, 273, 282 1919 162, 300, 301 1925 172, 174, 190, 196 1927 126, 167, 271, 275, 311, 360, 458 1935 569, 570 1939 498 1941 395, 404
320.02-320.11	1933 9, 10, 66, 583, 617 1935 560, 566, 568 1937 481, 549 1939 403, 415, 498		
320.03	1939 488 1941 95, 403		
320.04	1921 164 1925 190 1927 125, 167, 272, 458 1929 284 1931 380, 383, 457, 458, 554, 772, 852, 897, 927, 929, 960 1933 67, 68, 69, 382 1935 560, 562, 563, 566, 568 1937 548, 550, 552, 554, 556 1939 403, 416, 482, 498	320.08-320.11	1941 400
		320.10	1941 390, 392, 393, 407
		320.11	1925 172, 174, 190, 196 1927 126, 167, 271, 275, 311, 360, 458 1939 498
		320.12	1925 154, 155
		320.13	1923 107 1933 439 1937 356
320.06	1925 172, 174, 190, 196 1927 126, 167, 271, 275, 311, 360, 458 1935 562 1939 498	320.14	1935 44 1937 551
		320.14-320.19	1933 9, 10, 66, 583, 617 1935 560, 566, 568 1937 481, 549 1939 403, 415, 498
320.07	1933 67, 68 1935 565 1939 497		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
320.15	1925 172, 174, 190, 196 1927 126, 167, 271, 275, 311, 360, 458 1939 498	320.26	1935 563 1939 216
320.15-320.23	1921 164 1925 190 1927 125, 167, 272, 458 1929 284 1931 380, 383, 457, 458, 554, 772, 852, 897, 927, 929, 960 1933 67, 68, 69, 382 1935 560, 562, 563, 566, 568 1937 548, 550, 552, 554, 556 1939 403, 416, 482, 498	320.27	1935 23 1941 387
	1941 393	320.28	1941 396, 404
320.17		320.28-320.31	1935 812
320.19	1925 172, 174, 190, 196 1927 126, 167, 271, 275, 311, 360, 458 1939 498 1941 389	320.29	1941 381, 396
320.20-320.22	1923 129 1925 190 1931 740 1933 382 1935 403, 564 1941 415	320.30	1941 404
320.24	1925 176 1927 274	320.32	1935 569
320.25	1921 164 1925 172, 174, 190, 196 1927 125, 126, 167, 271, 272, 275, 311, 360, 458 1929 284 1931 380, 383, 457, 458, 554, 772, 852, 897, 927, 929, 960 1933 9, 10, 66, 67, 68, 69, 382, 583, 617 1935 560, 562, 563, 566, 568 1937 481, 548, 549, 550, 552, 554, 556 1939 403, 415, 416, 482, 498	320.34	1925 346
		320.35	1921 164 1925 190 1927 125, 167, 272, 378, 458 1929 284 1931 380, 383, 457, 458, 554, 615, 772, 852, 897, 927, 929, 960 1933 9, 10, 66, 67, 68, 69, 382, 583, 617 1935 560, 562, 563, 566, 568 1937 481, 548, 549, 550, 552, 554, 556 1939 403, 415, 416, 482, 498
		320.35-320.38	1925 172, 174, 190, 196 1927 126, 167, 271, 275, 311, 360, 458 1939 498
		320.36	1921 164 1925 190 1927 125, 167, 272, 458 1929 284 1931 380, 383, 457, 458, 554, 772, 852, 897, 927, 929, 960 1933 9, 10, 66, 67, 68, 69, 382, 583, 617 1935 560, 562, 563, 566, 568 1937 481, 548, 549, 550, 552, 554, 556 1939 403, 415, 416, 482, 498 1941 393

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
320.37	1921 142, 168 1925 154, 155, 190 1927 166 1929 282 1931 386 1937 553 1941 399	320.42	1925 82
		320.43	1933 425, 566, 570
		320.44	1921 164 1933 425, 566, 570
320.38	1921 164 1925 190 1927 125, 167, 272, 458 1929 284 1931 380, 383, 457, 458, 554, 772, 852, 897, 927, 929, 960 1933 9, 10, 66, 67, 68, 69, 382, 583, 617 1935 560, 562, 563, 566, 568 1937 481, 548, 549, 550, 552, 554, 556 1939 403, 415, 416, 482, 498 1941 396, 397	320.49	1933 425
		320.50	1931 844, 866 1933 425, 566, 570 1935 567, 570 1937 481
		320.51	1923 129 1925 172, 174, 176 1927 378 1931 844, 866 1933 425, 566, 570 1935 567, 569, 570 1937 481 1939 498
		320.55	1933 425, 566, 570
		320.57	1923 129 1925 172, 174, 176 1927 378 1931 615 1933 425, 566, 570 1935 569, 570 1939 498 1941 67
320.39	1939 493 1941 398, 401	320.58	1925 172, 174, 190, 196 1927 126, 167, 271, 275, 311, 360, 458 1939 498
320.40	1925 82, 154, 155 1929 282 1931 386 1933 566 1935 570 1937 553 1941 395	320.60, 320.61	1941 386
320.40-320.42	1921 164 1925 172, 174, 190, 196 1927 125, 126, 167, 271, 272, 275, 311, 360, 458 1929 284 1931 380, 383, 457, 458, 554, 772, 852, 897, 927, 929, 960 1933 9, 10, 66, 67, 68, 69, 382, 583, 617 1935 560, 562, 563, 566, 568 1937 481, 548, 549, 550, 552, 554, 556 1939 403, 415, 416, 482, 498	320.73	1941 395, 401
		321.01	1941 411
		321.01-321.14	1939 46, 95, 310, 331, 332, 333, 334, 335, 336, 337, 405, 484, 487, 489, 490, 492
		321.02	1941 410
		321.05	1941 28, 29, 31, 37, 409
		321.09	1941 410
		322.01-322.42	1939 46, 95, 310, 331, 332, 333, 334, 335, 336, 337, 405, 484, 487, 489, 490, 492
320.41	1933 566 1935 570		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
322.02	1941 377, 411	341.10-341.13	1933 616 1935 528
322.05	1941 414	341.14	1931 440 1939 421, 561
322.06	1941 413	341.15	1931 440
322.10, 322.11	1941 59	341.17	1933 615
322.21	1941 409	341.20	1933 389
322.23	1941 412	341.20-341.28	1931 787 1933 615, 616 1939 561
322.26, 322.27	1941 407	341.24	1931 455, 457 1939 561
322.31	1941 407, 412	341.25	1931 788 1937 487
323.01	1937 583 1939 415	341.26	1939 419
323.01-323.30	1929 416 1931 248, 273, 292, 294, 309, 387, 719, 723, 789, 835, 852, 927, 960 1933 69, 566, 567 1935 44, 571, 797, 807 1939 133, 250, 334, 384, 416	341.29	1937 475
		341.30-341.37	1931 453, 454 1937 473, 475
		341.34, 341.35	1937 473, 475, 476
323.11	1937 583 1939 415	341.39	1939 420
323.12	1931 719	341.42	1939 418, 561 1941 421
323.15	1931 287, 294, 310, 904 1937 583 1939 415	341.42-341.45	1935 527 1939 561
323.16	1931 279, 287, 302	341.46	1935 667, 775 1941 418, 449, 465, 792
323.18	1935 797	341.47	1939 418
323.29	1935 43	341.52-341.58	1923 211
330.01-330.05	1925 173 1933 622	341.59-341.61	1939 561
331.01-331.09	1933 619, 621 1935 87	341.62	1941 417
331.02	1933 619, 622	343.03	1905 138, 139
341.01-341.03	1915 200, 217, 218, 259 1917 382 1935 528 1939 560, 561	343.05	1927 114
		343.08	1907 196 1921 110
341.01-341.19	1919 273 1921 127 1935 528 1939 561	343.09	1905 162
		343.12	1905 143 1933 224
		343.13	1911 61, 66
		343.14	1905 143

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
343.17	1905 99, 138, 143 1909 65 1921 294 1929 325 1931 477, 507, 729 1933 118, 245 1935 125 1939 525	344.17	1935 286 1937 389 1941 422, 432, 433, 436, 439, 442, 447, 453, 464, 469, 473, 475, 478, 479
343.18, 343.19	1905 200	344.18	1937 401, 402, 405, 406, 407 1939 262, 275 1941 439, 443
344.01-344.22	1929 199, 217, 228 1931 259, 319, 323, 324, 329, 330, 496, 711 1933 76, 77, 154, 158, 159, 161, 162, 164, 165, 169, 172, 176, 180, 181, 182, 187, 190, 225, 227, 384 1935 133, 134, 139, 142, 148, 164, 177, 180, 189, 199, 248, 288 1937 390, 394, 397, 414, 421, 423, 429, 432, 434, 437 1939 171, 236, 238, 239, 242, 243, 244, 246, 282, 283, 340 1941 423, 424, 429, 441, 443, 444, 447, 453, 457, 460, 467, 473,	344.19	1941 462
		344.23	1941 429, 441
		347.08	1905 131 1937 473
		347.19	1931 352, 906, 924, 955 1933 570, 639 1935 754
		350.01-350.65	1903 35 1905 17, 21, 22, 106, 107, 108, 110, 111, 126, 130, 132, 134 1907 29, 47, 52, 56
		350.18	1931 512
		350.25-350.28	1907 100, 134
		350.29-350.31	1917 261, 267
344.05	1941 467	350.44	1907 184
344.12	1935 157, 159, 177, 183, 735 1937 387, 405 1939 253, 255, 259, 260, 387, 396	350.50	1923 196
		351.01	1931 973
344.13	1941 444	351.06	1903 51
344.14	1933 75, 153, 154, 155, 158, 159, 162, 170, 181, 217 1935 133, 138, 142, 145, 151, 181, 183, 185, 189 1937 386, 390, 395, 414 1939 237, 239, 244, 248, 249, 256, 273 1941 422, 432, 433, 434, 439, 443, 447, 451, 453, 457, 458, 459, 463, 464, 470, 473, 474, 475, 478, 479	352.19	1907 187, 207
		354.01-354.03	1931 817
		354.01-354.07	1921 92 1925 89 1929 174
		354.04	1929 338 1931 817
		354.05-354.07	1931 817
		356.02	1909 81
		356.05-356.07	1905 122
		357.01	1921 328

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
360.14	1917 136	372.01-372.76	1913 78, 82, 188, 265
362.05	1907 101		1917 109
371.01	1937 285, 289, 290		1919 263
371.02-371.04	1913 129, 132, 134, 137, 138, 141		1921 166, 240, 325, 331, 335, 338
	1917 252, 310		1925 268, 269, 288, 328
	1939 461		1927 223, 259, 260, 261, 262, 263, 264, 265, 283, 350, 384
371.03	1923 161		1929 186, 274
371.04	1927 285		1931 433, 434
	1935 636		1935 657
371.06	1931 882	372.04, 372.05	1939 565
371.08	1903 78		1941 490
	1905 186	372.07	1941 489
371.09	1905 186	372.09	1935 630, 657, 659, 660
371.10	1935 637		1937 346
	1937 297		1939 395, 457
	1941 506	372.12	1941 492
371.12	1937 291, 293	372.13	1941 486, 487
	1939 228, 282, 288	372.15, 372.17	1935 628
	1941 497	372.18	1905 78
371.16	1927 284, 286	372.20	1907 210
	1931 391		1911 71
	1933 502, 505		1941 483, 490, 502
	1935 634, 636, 639, 641, 646, 649, 655, 657, 659, 663, 666	372.23	1941 491
	1937 288, 345	372.28	1937 345
	1939 539		1939 539
372.01	1937 292	372.29	1935 660, 661
	1941 484, 486	372.34	1941 482, 486
372.01-372.07	1935 630, 657, 659, 660	372.36	1935 661
	1937 346		1941 493
	1939 395	372.37	1935 661
372.01-372.73	1929 278, 340	372.38	1905 177
	1931 430, 431, 433, 434, 565, 567, 628		1939 20
	1933 17, 20, 28, 495, 496, 501, 504	372.40	1935 628, 629, 631
	1935 632, 646, 655, 657, 661	372.45	1939 394
	1937 346, 567	372.52	1937 621
	1939 330, 392, 394, 395, 457, 500, 564	372.54	1941 486

CITATIONS TO THE FLORIDA STATUTES

STATUTES FLORIDA	YEAR	PAGE	BIENNIAL REPORT	FLORIDA STATUTES	BIENNIAL YEAR	PAGE	REPORT
372.57	1905	149,	176	373.13	1927	284,	286
	1907	161			1931	391	
	1909	63			1933	502,	505
	1935	656			1935	634,	636, 639,
	1939	457,	500			641,	646, 649,
	1941	167,	486, 490,			655,	657, 659,
		491,	492			663,	666
372.63	1939	457			1937	296,	345
					1939	329,	539
372.64, 372.65	1935	656			1941	502	
	1939	457		373.14	1937	284,	288
372.66	1937	621		373.16	1939	396	
	1939	457					
	1941	493		373.16-373.21	1907	84	
372.71	1931	432,	433		1919	208	
					1939	396	
372.72	1931	432,	433	373.19	1939	396	
	1941	482					
372.75	1905	186		373.22	1935	636,	663
	1907	210		373.25	1921	277	
	1911	71			1935	636,	642
372.77	1913	78,	82, 188,	374.01	1921	265	
		265			1933	495,	496, 499,
	1917	109				500,	507, 508
	1919	263			1935	555,	630, 644,
	1921	240				647,	649, 657,
373.01	1941	506				659,	663, 668
373.01-373.03	1941	494			1937	12,	293
					1939	288,	396, 461
373.01-373.06	1933	495,	496, 499,		1941	485,	503
		500,	507, 508	374.01-374.42	1915	161,	190, 192,
	1935	555,	630, 644,			195,	201, 203,
		647,	649, 657,			248,	271
		659,	663, 668		1917	129,	146, 162,
	1937	12				307,	311, 315,
	1939	396,	461			317,	322, 325,
373.03	1937	284,	288			326,	328, 383,
						384,	386, 463
373.04	1921	263,	264, 265		1919	105,	249, 251,
	1923	162,	166			252,	256
	1933	501			1921	382	
	1935	653		374.02	1927	284,	286
	1937	285,	588		1931	391	
373.05	1935	555			1933	502,	505
373.09	1925	271			1935	555,	634, 636,
	1927	286				639,	641, 646,
	1933	499				649,	655, 657,
	1935	634,	641			659,	663, 666
373.10	1935	636,	642		1937	283,	293, 345
	1937	570,	571, 572		1939	539	
	1939	493		374.05	1937	293	
	1941	496,	500				

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
374.06	1905 186 1927 284, 286 1931 391 1933 502, 505 1935 634, 636, 639, 641, 646, 649, 655, 657, 659, 663, 666 1937 345 1939 287, 539	374.21	1933 608 1939 287 1941 505, 506
374.08	1933 503 1937 295	374.23	1905 186 1921 349 1933 505 1935 634, 635, 649, 666 1937 282, 293 1939 228, 282, 288 1941 495
374.09	1941 508	374.24	1921 341
374.10, 374.11	1929 287, 288 1931 940 1935 664 1939 330	374.25	1917 325 1919 255
374.12	1927 284, 286 1931 391 1933 502, 505 1935 634, 636, 639, 641, 646, 649, 655, 657, 659, 663, 666 1937 345 1939 228, 539	374.25-374.29	1917 321 1919 255
374.13	1927 284, 286 1929 288 1931 391 1933 502, 505 1935 634, 636, 639, 641, 646, 649, 655, 657, 659, 663, 666 1937 297, 298, 299, 345 1939 539	374.27	1903 79 1933 502
374.14	1923 159	374.29	1941 507
374.15	1935 299 1937 298, 299, 316	374.30	1907 161 1921 277, 321, 378 1923 159, 264 1931 391, 393 1933 502 1935 633, 639, 642, 643, 646, 649, 650, 652, 656 1937 293, 569, 572 1939 494
374.16	1935 663 1941 509	374.30-374.34	1939 453, 494 1941 5, 298, 499, 500, 501, 503, 504
374.20	1935 641 1939 287, 539 1941 498, 502	374.36	1903 76 1905 186 1935 654
374.20-374.24	1927 284, 286 1931 391 1933 502, 505 1935 634, 636, 639, 641, 646, 649, 655, 657, 659, 663, 666 1937 345 1939 539	374.38	1923 164 1925 272 1937 293, 295
		374.41	1937 293
		375.01	1931 392 1935 645 1939 461
		375.01-375.14	1913 129, 132, 134, 137, 138, 141 1917 252, 310 1939 461
		375.02	1921 265, 268, 270
		375.03	1935 644

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
375.04	1917 129 1935 644	381.15	1903 24 1907 70, 72 1917 377, 378 1921 242 1935 471 1937 252 1941 519
375.06	1935 645		
375.07	1933 581	381.16	1917 447 1925 265 1935 471, 477
375.11	1937 56, 287	381.17	1903 24 1907 74 1921 289 1935 478
375.13	1925 265 1937 287	381.19	1903 24 1907 74 1935 478 1941 521
375.15	1921 264 1933 501 1935 653 1937 285	381.20	1907 73, 78
375.16	1937 287	381.22	1907 73, 76, 118 1931 222 1935 475
375.17	1937 285, 289, 290 1941 497	381.25-381.27	1907 74
375.18	1937 285, 289, 290	381.26, 381.27	1941 572
375.20	1921 322 1937 288, 588	381.27-381.30	1903 23
375.22	1923 162	381.28	1907 74 1935 478
375.23, 375.24	1921 264 1933 501 1935 653 1937 285	381.29	1907 74, 76, 77 1935 478 1941 572
375.25	1921 266 1937 288	381.30	1907 74 1941 572
375.27-375.31	1933 502	381.31	1903 24 1907 74 1935 774
375.32	1937 56, 287, 288	381.32	1907 74 1921 289 1935 774
375.33	1935 644	381.33	1907 74
376.01-376.05	1935 47	381.35	1915 209
381.01-381.66	1923 175 1939 311, 313, 314	381.36	1921 242
381.03	1937 2	381.43, 381.45, 381.46	1941 514
381.04	1915 206, 208 1919 86 1941 516	381.49	1917 377 1931 222, 420, 421 1935 451, 471, 475, 477 1941 511
381.09	1903 24 1917 214 1937 260		
381.12	1921 288 1931 419 1933 226, 383 1935 122		
381.13, 381.14	1925 204		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
381.49-381.57	1921 289 1923 177, 178	382.37	1923 176
381.50	1941 514	382.39	1907 76
381.58	1935 471	384.01	1941 31, 525
381.60-381.62	1927 315	384.04	1941 511, 525
381.63-381.66	1935 408	384.07	1941 511, 516, 525
382.01	1907 73, 76	384.11	1941 525
382.01-382.39	1923 175 1939 311, 313, 314	385.01	1907 73, 76, 118
382.02	1937 244 1941 524	385.02	1907 73, 77 1923 187
382.04	1939 307	385.03, 385.04	1907 73
382.06	1923 175 1939 311	386.01	1907 73, 75, 76, 118
382.08	1927 443 1931 416, 417	386.01-386.03	1921 324
382.09	1927 443 1931 416, 417 1941 572	386.02	1907 73, 77
382.10	1925 256 1931 416, 417	386.03	1907 73, 75
382.11	1939 311, 313 1941 638	388.01	1935 482
382.16	1933 439	388.01-388.26	1935 482, 772
382.17	1927 309	388.08	1921 323 1937 296
382.20	1907 73, 76	391.01-391.04	1941 518, 527
382.21, 382.22	1939 308 1941 522	391.01-391.10	1935 501, 502, 503, 730
382.23	1931 952		1937 309
382.23-382.29	1929 185	391.04	1941 518
382.24	1939 45 1941 524	392.01	1935 407 1937 485, 487, 489
382.27	1931 420	392.02	1937 489
382.29	1931 420 1937 244 1941 524	392.03	1935 407 1937 485, 487
382.32	1941 523	392.04, 392.05	1935 233
382.35	1931 419 1935 472, 481, 484 1937 245 1941 524	392.06	1935 407 1937 485, 487, 489
		392.07	1937 489 1941 528, 529
		392.07-392.12	1937 485, 490
		392.08, 392.09, 392.11	1941 529
		392.12	1941 124, 528

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
392.13	1935 407 1937 485, 487, 489	397.01-397.06	1925 86
393.01-393.09	1919 107 1925 250 1935 406	398.01-398.21	1933 435 1937 247 1939 312
393.02	1925 86 1929 179 1935 792	398.01-398.23	1933 435 1935 479 1937 248 1939 310
393.03	1929 179 1935 792 1937 74	398.16, 398.18	1937 247 1939 310
393.04	1935 792	398.20	1937 247
393.05, 393.07	1929 180	398.21, 398.22	1937 247 1939 310
393.05-393.11	1935 792	398.23	1937 247
393.11	1929 180 1941 530	409.01	1939 426, 428 1941 541
394.01	1933 606	409.01-409.23	1935 581, 727, 762 1937 13, 493, 497, 498 1939 426, 427, 428 1941 542
394.01-394.12	1935 792		
394.09	1937 74	409.09, 409.14, 409.16	1939 426, 428
394.10	1907 152	409.17	1931 265
394.12	1933 606	409.26	1941 540
394.16	1917 226, 437	412.01-412.13	1935 726, 727
394.20	1907 152 1941 535	413.01-413.06	1931 265 1937 549
394.20-394.29	1935 764	414.01-414.11	1919 135 1921 124 1927 257 1931 606, 809
394.21	1931 582, 870 1941 535	414.02	1941 542
394.21-394.27	1905 151, 152, 168 1939 386, 389, 540, 543	414.03	1941 543
394.22	1907 152 1939 389	414.06-414.09	1941 542
394.26	1907 152	414.10	1941 543
394.27	1907 152, 180 1935 765	415.01	1921 100, 408 1929 272 1931 621 1941 545
394.28	1939 386, 389, 540, 543	415.01-415.30	1915 225 1917 403 1919 288
394.29	1931 566, 581, 582, 869 1937 74 1939 541		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
415.03	1931 1024 1937 352 1939 85 1941 545 - 549	440.01-440.53	1935 504, 529 - 539, 541 - 543, 579, 594 1937 45, 339, 340 1939 117, 118, 124, 126, 128, 344, 347, 349, 350, 353 - 360, 362, 363, 365 - 371, 373, 376, 377, 387
415.04	1931 370 1939 85 1941 545		
415.08-415.10	1931 526 1933 194 1935 209, 213		
415.08-415.12	1917 199 1919 78	440.02	1937 45, 325 - 328, 330 - 335, 337- 341 1939 357, 363, 367, 372, 375 1941 350, 419, 566, 570, 572
415.11	1933 185		
415.12	1931 533		
415.13	1941 546 - 549, 787	440.02(18)	1941 561
415.17	1921 100 1941 543	440.04	1937 45, 325 - 328, 330 - 335, 337- 341 1939 357, 363, 372, 375
415.20	1941 545		
415.21	1931 621 1941 545	440.05	1939 369
415.23	1919 288	440.09, 440.10, 440.12	1937 45, 325 - 328, 330 - 335, 337- 341 1939 357, 363, 372, 375
415.26	1929 389 1931 1024		
415.28	1921 407 1933 632 1941 543	440.13	1937 45, 325 - 328, 330 - 335, 337- 341 1939 357, 363, 372, 375 1941 419, 572
419.01-419.11	1935 281, 408		
419.12	1941 549	440.13(3)	1941 577
419.18	1941 620	440.16	1937 45, 325 - 328, 330 - 335, 337- 341 1939 357, 363, 372, 375
420.01-420.11	1933 626 1941 513		
421.01-421.08	1941 10, 550	440.16(2)(g)	1941 581
421.01-421.23	1939 20	440.17	1937 45, 325 - 328, 330 - 335, 337- 341 1939 357, 363, 372, 375
421.29, 421.30	1941 553		
423.01-423.03	1941 550	440.18	1941 337, 603, 604
425.01-425.29	1939 458	440.19(1)	1941 561
433.09	1941 592		
433.10	1941 594		
438.08	1941 583, 585		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
440.20, 440.24, 440.25, 440.27	1937 45, 325 - 328, 330 - 335, 337- 341 1939 357, 363, 372, 375	443.15	1941 585, 600
		443.18	1939 348, 352, 353, 364 1941 594
		443.22	1941 597, 598
440.27(1) 440.30	1941 554 1937 45, 325 - 328, 330 - 335, 337- 341 1939 357, 363, 372, 375	448.01	1917 167 1931 760
		448.05	1915 265
440.38	1941 570, 713, 737	450.01-450.18	1913 168, 169 1917 171
440.39	1937 45, 325 - 328, 330 - 335, 337- 341 1939 357, 363, 372, 375	450.01-450.23	1941 337, 601, 602, 603, 698
		450.02	1931 1041
440.44	1937 45, 325 - 328, 330 - 335, 337- 341 1939 351, 357, 363, 372, 375	450.03	1931 1040, 1042
		450.08	1939 138 1941 601, 603, 604
440.46	1937 45, 325 - 328, 330 - 335, 337- 341 1939 357, 363, 372, 375	450.10	1941 603, 604
		450.16	1937 455 1939 8
440.51	1937 45, 325 - 328, 330 - 335, 337- 341 1939 351, 357, 363, 372, 375	450.17	1939 303 1941 337
		450.18	1939 140, 142 1941 604
440.54-440.57	1937 45, 325 - 328, 330 - 335, 337- 341 1939 357, 363, 372, 375	450.23	1939 137, 140, 141, 142, 143, 372 1941 533, 604, 605, 607
		456.01-456.22	1927 119, 247 - 250 1929 271 1937 253 1939 300, 316, 318, 320, 321 1941 572, 608, 610, 620, 622
443.01-443.22	1937 312 - 316, 318- 322 1939 1, 344 - 346, 348, 352, 353, 363, 368	457.01-457.08	1941 613, 614
443.03	1941 588, 595, 596	458.01-458.13	1925 294 1927 252, 253
443.03-443.16	1939 348, 352, 353, 364	458.02	1939 316
443.09	1941 592	458.04	1929 269
443.10	1941 594	458.04-458.06	1939 390
443.12	1941 590, 591	458.05	1933 460
443.13, 443.14	1935 405, 408, 599	458.06	1935 473
		458.10	1939 390

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
458.11	1941 615	462.01	1939 542
458.12	1931 998 1939 390 1941 520	462.01-462.17	1927 250 1931 424, 425 1937 248
458.13	1935 473, 478 1939 390	462.05	1933 463
458.15	1939 390	462.08-462.13	1937 361
459.01	1939 542	462.14	1931 426
459.01-459.18	1927 255 1939 321, 322	463.01-463.20	1931 414, 415, 866 1933 456 1935 5
459.04	1939 321 1941 620	463.05	1941 630
459.05	1941 616, 618, 619	463.08	1925 296 1929 271
459.06	1937 364 1941 618	463.11	1941 630
459.07	1929 419 1931 423	463.17	1925 297 1927 254
459.10	1931 423 1941 617	463.20	1925 296
459.13	1929 269, 418 1931 423 1941 617, 621	464.01	1941 636
459.18	1941 618, 619, 620, 622	464.01-464.03	1935 494
460.01	1935 587 1939 542	464.01-464.15	1935 495
460.01-460.26	1919 137 1921 318, 325 1923 172 1937 261	464.01-464.17	1919 120 1925 293 1933 452, 453 1935 494 1937 305 1939 302 1941 636
460.07	1935 587	464.07	1935 494
460.08	1935 587 1937 261	464.08	1935 494 1937 305
460.10, 460.11	1941 572	464.10, 464.12	1933 452
460.10-460.12	1937 261	464.15	1933 453 1935 494
460.16-460.18	1937 261	464.17	1935 495
460.23	1941 572	465.01	1903 46
460.27	1941 622, 623	465.02	1935 479
461.01-461.06	1933 461, 464 1935 814, 819 1937 262	465.03	1903 46
461.01-461.12	1931 800 1933 464	465.03-465.06	1941 227, 637
		465.07	1933 438 1937 371 1941 657

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
465.08	1931 417, 418, 522, 523 1933 436, 437, 438 1935 479, 480 1941 637	473.03	1905 185
465.09-465.12	1931 422	473.03-473.26	1931 408, 409, 774, 964
465.10	1935 480	473.08	1941 639, 640
465.12	1941 227	473.12	1941 639, 641
465.13	1935 479 1941 657	473.18	1941 525
466.01-466.42	1927 342 1931 874 1939 385	473.19	1941 639, 640, 641
466.12	1941 511	475.01	1931 971
466.17, 466.18	1941 638	475.01-475.41	1923 240 1925 178 1927 171, 173, 174, 280, 282 1929 227
466.24	1939 385	475.03, 475.11	1925 281, 283
467.01-467.17	1915 255 1941 662	475.14, 475.25	1937 579
467.09	1935 458	475.42	1923 240 1927 171, 173, 174, 280, 282 1929 227
468.01, 468.03	1931 1026	476.01-476.24	1931 799, 833, 834, 879, 945 1933 36, 454 1935 496, 497 1939 227, 228, 229, 230, 231 1941 643
468.04, 468.05	1931 1027	476.04	1941 644
469.06	1927 346	476.13	1941 643
470.01-470.23	1939 305, 306, 311, 313	477.01	1937 214, 215
470.01-470.28	1933 24 1935 597 1939 305	477.01-477.27	1935 7, 467, 517, 518, 519 1937 214
470.02, 470.06,	1937 17, 254	477.03	1941 644
470.07	1935 588	477.07	1941 646, 647
470.26	1941 638	477.09(7)	1941 644
470.26-470.28	1939 305, 306, 311, 313	477.12	1941 647
471.01-471.36	1919 284	477.15, 477.23	1941 648
471.11-471.14	1931 414	477.17	1941 647, 648
471.15	1935 523	477.19	1941 645
472.01	1935 226	477.20(1), (3)	1941 645
472.01-472.13	1931 247 1935 207, 226	477.21(1)	1941 645
473.01-473.26	1927 132, 231, 232, 234 - 238, 240 1931 409, 774		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
477.23	1941 648	503.01	1929 251 1931 903 1933 559
479.01	1941 649, 651, 652	503.01-503.09	1933 10, 11, 560 1937 8, 574 - 576 1939 540
479.02, 479.04	1941 649, 650	503.07	1939 540 1941 654
479.14	1941 650	506.06, 506.08	1921 111
500.01-500.04	1941 654	506.07	1919 147 1921 111 1923 97 1929 189
500.01-500.32	1911 56, 63 1913 70, 126, 128, 131, 136 1915 9, 193, 194, 205 1917 277, 304, 334, 335, 347 1919 235 1923 105	509.01	1933 20, 384, 387, 449, 450 1935 493 1939 456, 487, 488, 542
500.03	1923 155	509.01-509.05	1913 163 1915 222, 223 1917 393, 394, 396, 398
500.04	1925 241 1937 280	509.02	1923 102, 113, 114, 185, 187, 189, 191 1925 259
500.04-500.06	1907 69, 173 1909 76 1921 215 1923 105	509.03	1923 102, 113, 114, 185, 187, 189, 191
500.06	1923 147, 154	509.04	1923 102, 113, 114, 185, 187, 189, 191 1929 220
500.10	1937 278	509.05	1933 20, 384, 387, 449, 450, 493, 1939 456, 487, 488, 542
500.11	1925 240 1941 654	510.01-510.07	1915 222, 223 1917 393, 394, 396, 398 1933 20, 384, 387, 449, 450, 493 1939 487, 488, 542
500.14	1937 278	510.04	1923 102, 113, 114, 185, 187, 189, 191
500.15	1925 240 1941 654, 656, 657		
500.18, 500.19	1941 654		
500.20	1923 70		
501.01-501.22	1939 400, 401, 402		
501.01-501.23	1929 250, 252, 253 1933 35, 560, 561, 563 1935 407, 586, 587, 595 1937 353, 562, 565 1939 400, 401		
501.03	1941 660		
501.21	1941 659		
502.01-502.27	1931 340, 341, 342, 345, 346, 903 1933 35 1935 785 1937 277		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
511.01	1921 386, 392 1923 102, 113, 114, 185, 187, 189, 191, 192 1925 261 1927 265, 268 1929 279 1931 435 1941 664, 665, 666	511.32	1923 102, 113, 114, 185, 187, 189, 191 1925 259
511.01-511.37	1939 456	511.34	1923 102, 113, 114, 185, 187, 189, 191 1927 267 1937 352 1939 541 1941 617, 626, 661
511.01-511.41	1933 20, 384, 387, 449, 450, 493 1939 487, 488, 542	511.35-511.37	1921 317
511.01-511.44	1913 163	511.36, 511.38, 511.39	1941 662
511.02	1923 102, 113, 114, 185, 187, 189, 191, 192 1925 290 1941 228	511.41	1923 188, 192,
511.03-511.05	1921 168, 281 1923 192	511.42	1923 192
511.03-511.09	1941 662	514.02	1941 667
511.05	1941 665	515.08	1941 667
511.06	1921 168, 251, 281 1923 187, 191, 192 1927 265, 266, 268 1931 436	516.01	1933 600
511.07	1921 168, 251, 281 1923 187, 191, 192 1927 265, 266	516.01-516.04	1931 882
511.08, 511.09	1923 187, 191, 192	516.01-516.19	1929 232 1931 755, 760, 882, 927, 1000 1933 97, 384, 598 1935 743, 744 1939 19
511.10	1921 281 1923 192	516.02	1933 578 1935 744
511.12	1941 667	516.09	1935 744
511.14, 511.15	1923 102, 113, 114, 185, 187, 189, 191	516.14	1935 743, 745
511.15-511.18	1941 667	516.20	1941 668
511.23	1923 102, 113, 114, 185, 187, 189, 191, 192 1925 263	517.01-517.24	1931 325, 782, 843, 976, 990, 1053 1933 280, 321, 385, 480, 551, 590, 591, 592, 593, 596 1935 611, 612, 613, 615, 619, 620, 621 1937 375, 380 - 382 1939 379
511.28	1923 102, 113, 114, 185, 187, 189, 191 1925 259 1941 661	517.01-517.30	1915 7
511.31	1921 361 1923 188	517.02	1939 380 1941 674, 675
		517.02-517.06	1935 611, 612, 613, 615, 617, 620 1939 379, 382

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
517.05	1939 380 1941 681, 682	517.29	1931 325, 782, 843, 976, 990, 1053 1933 280, 321, 385, 480, 551, 590, 591, 592, 593, 596 1935 611, 612, 613, 615, 619, 620, 621 1937 375, 380 - 382 1939 379
517.06	1941 669, 670, 672, 674, 675, 682	517.30	1941 670
517.06(3)	1941 683	518.01-518.04	1937 630 1939 18, 541
517.11	1941 672, 674	518.05	1939 541
517.12	1935 611, 612, 613, 615, 617, 620 1939 379, 382 1941 676, 678	518.06	1939 18
517.13-517.15	1933 280, 281 1935 617, 620 1939 382	518.06-518.08	1941 713
517.14	1941 680	518.07	1939 18
517.15	1935 611, 612, 613, 615, 617, 620 1939 379, 382 1941 676	518.09	1941 10, 12
517.16	1935 611, 612, 613, 615, 617, 620 1939 379, 382 1941 672, 674, 678	522.06, 522.07	1931 438
517.17	1941 670	523.01-523.21	1917 391, 407 1919 94 1927 134
517.19	1941 672, 674	523.03	1927 133 1931 794, 916 1933 640
517.20	1939 380	523.04, 523.05	1931 916
517.23, 517.25	1933 280, 281 1935 617, 620 1939 382	523.12	1923 84
517.26	1935 611, 612, 613, 615, 617, 620 1939 379, 382	523.13	1931 794
517.27	1931 325, 782, 843, 976, 990, 1053 1933 280, 321, 385, 480, 551, 590, 591, 592, 593, 596 1935 611, 612, 613, 615, 619, 620, 621 1937 375, 380 - 382 1939 379	523.23	1931 795
517.28	1933 280, 281 1935 617, 620 1939 382 1941 678	525.01	1929 254 1931 338
		525.01-525.16	1929 250
		525.01-525.17	1919 238, 242, 243, 245 1923 103, 106, 107, 108, 153 1925 73, 151 1927 215 1929 254 1931 344 1937 272
		525.07	1925 238 1937 272

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
525.09	1925 238 1931 343 1933 76 1935 46 1937 272 1941 684	550.01-550.25	1931 317, 353, 355, 370, 371, 445, 446, 449, 649, 816, 933, 934, 970, 1008, 1019 1933 4, 14, 25, 33, 421, 440, 441, 443 - 448 1935 485 - 487, 489, 567, 758 1937 175, 466 1939 412, 554, 556
525.10	1941 421, 491	550.03	1941 91
526.01-526.11	1933 73	550.10	1935 55, 800
531.28	1913 115	550.13	1931 500, 956 1933 422, 440, 443, 444, 446 1935 486, 487 1937 447 1941 685, 686
532.01, 532.02	1933 640	550.14	1941 304
534.01-534.42	1905 183	550.16, 550.18, 550.21	1935 290, 487 1937 466 1939 412, 413
534.04	1931 227 1935 211	551.01-551.12	1935 489, 490
534.08-534.21	1931 930, 1031 1935 211	552.03, 552.04	1941 687
534.26	1931 930	552.06	1941 409
534.30	1921 67 1931 227 1933 216	553.35-553.40	1931 288, 294
534.31	1931 1030	561.01	1931 1027 1939 523 1941 605
534.32	1935 801	561.01-561.12	1937 2, 13, 124, 224, 235, 239, 240 1939 233
534.33	1921 67	561.01-561.49	1935 20, 53, 123, 250, 304, 305, 306, 308 - 315, 318, 320, 326, 327, 329, 331, 333, 401, 402 1937 124, 216 - 218, 224, 229, 230, 232 - 235, 238, 240 1939 136, 137, 140- 143, 167, 233, 372
534.40	1931 1031	561.01-561.57	1933 21, 23, 29- 31, 34 - 36, 316, 322, 324, 327, 330 - 333
536.01-536.03	1925 70		
542.01	1935 603		
542.01-542.11	1917 474		
542.02	1935 603		
543.01-543.18	1937 626		
548.01	1917 272 1931 948, 1047 1941 685		
548.02	1931 948		
548.03	1917 272 1927 444 1931 877, 967, 1047 1933 633 1941 685		
550.01-550.10	1935 290, 487 1937 466 1939 412, 413		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
	1935 123, 315, 321, 322, 330, 401, 402	562.04	1909 39 1931 931 1933 315 1935 304
	1941 228, 604, 689, 690, 692, 696, 697, 701, 703	562.05	1907 101 1931 931 1933 315 1935 303, 304
561.02	1931 748, 999, 1022 1933 322, 337, 338, 339	562.07	1931 931 1933 315 1935 304
561.17	1907 178 1909 38 1935 323	562.14	1941 696
561.29	1941 690, 691	562.15, 562.18	1941 703
561.34	1933 328 1941 690, 691, 692	562.23	1939 138
561.35	1941 691	562.23-562.44	1939 523
561.36, 561.46	1937 2, 13, 124, 224, 235, 239, 240 1939 233	562.27	1929 327, 347 1931 468, 578 1941 695, 701, 702
561.46-561.51	1941 689	562.27-562.40	1927 307, 381 1929 175
561.49-561.54	1937 2, 13, 124, 224, 235, 239, 240 1939 233	562.33-562.36	1941 695
561.55-561.57	1935 20, 53, 123, 250, 304, 305, 306, 308 - 315, 318, 320, 326, 327, 329, 331, 333, 401, 402 1937 124, 216 - 218, 224, 229, 230, 232 - 235, 238, 240 1939 136, 137, 140- 143, 167, 233, 372	562.38	1941 38, 702
		562.39	1931 468, 517, 572 1941 38, 422, 696, 702
		562.40	1941 38, 422, 696
		562.41	1937 238
		562.42	1941 38, 702
		562.43	1941 38
		562.45	1941 701
		562.47	1929 173 1931 1022 1933 314
561.58	1941 691	562.48	1941 700
562.01	1931 931 1933 315 1935 304	562.49	1931 1022 1933 322, 338, 339
562.01-562.46	1933 21, 23, 29- 31, 34 - 36, 316, 322, 324, 327, 330 - 333 1935 123, 315, 321, 322, 330, 401, 402	566.01-566.12	1941 698
		566.02	1941 697
		567.01	1907 129, 178 1937 151
562.02	1933 315	567.02	1907 178 1935 389

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
567.03, 567.04	1907 178	576.20	1913 148
567.05	1905 170 1907 178	576.21	1925 236
567.06	1907 178	576.26	1923 152 1925 236, 237
567.07	1907 178 1935 320	576.27	1935 762, 782
568.01	1941 605	577.01-577.13	1937 577, 622 1939 483, 545
568.01-568.14	1903 61 1905 187, 188, 191, 196, 208 1913 245 1915 202 1935 303, 317, 320 1937 124, 235 1939 138, 139	578.01	1939 325
		578.01-578.04	1939 455
		578.03-578.07	1939 325
		578.08-578.18	1939 455
568.02	1941 699	578.15, 578.18	1939 325
576.01	1915 199, 200 1937 270, 271	580.01	1929 254 1937 267
576.01-576.28	1903 50 1905 167 1913 149 1915 199	580.01-580.22	1913 148 1915 204 1917 347 1919 234 1921 214 1933 561 1935 781 1937 268
576.02	1919 230	580.02	1931 337
576.02-576.06	1915 200 1923 152 1925 236	580.03	1929 253 1933 561 1935 782
576.03-576.08	1925 236, 237	580.07	1935 719
576.07, 576.08	1923 152 1925 236, 237	580.15	1931 337 1937 271 1939 130
576.07-576.10	1915 199 1917 318 1919 234 1923 152 1925 236	580.16	1931 130 1939 337
576.11	1915 200 1935 717, 782 1937 271	581.01	1921 119 1935 499
576.12	1933 564	581.01-581.14	1915 215 1919 64 1933 465 1939 410
576.13	1915 199	581.02	1935 575 1939 411
576.14	1937 270	581.03	1941 705
576.16-576.18	1913 144 1923 151 1925 236, 237 1931 428	582.01-582.32	1937 384 1939 422
576.19	1913 144 1925 236, 237 1931 428	583.01-583.11	1937 133, 134

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
583.05	1937 269	589.01-589.06	1929 274 1931 429
584.01	1921 119, 120 1941 705	589.04	1929 274 1931 429
584.02	1941 705	589.06	1935 552
585.01-585.31	1923 194 - 196, 198- 200, 202 - 204 1925 274, 275, 299, 300 1927 269, 336 1933 457, 458	589.07-589.12	1935 406, 547, 548- 550 1937 306, 307 1939 503
585.01-585.43	1917 388, 389 1919 267, 283 1921 232 1923 201	589.08	1935 553
585.08	1921 371 1923 197 1935 499	589.27	1941 74, 708
585.09	1923 197	590.01-590.16	1935 546, 547
585.10	1937 456	591.01-591.14	1941 706
585.11	1923 197 1935 499	591.18, 591.19	1941 708
585.12	1935 499	593.01-593.06	1931 345, 957
585.14	1939 399	594.01	1935 588 - 593, 598, 718, 818 1937 263 - 265, 509, 510, 558 1939 323
585.15-585.17	1935 499	594.01-594.13	1941 709
585.17, 585.18, 585.19	1923 197	594.01-594.23	1925 242 1935 718 1939 89
585.20, 585.21	1935 499	594.06-594.08	1915 193, 194 1917 333
585.23	1923 197	594.13	1935 589, 592, 718 1937 263 - 265
585.24	1933 642	594.23	1921 218
585.25-585.28	1931 436	595.01-595.24	1935 589, 592, 718 1937 263 - 265 1941 709
585.31	1933 229, 391, 458 1935 122	596.01-596.21	1935 588 - 591, 593, 598, 818 1937 558
585.32	1919 236 1937 456 1939 7, 8, 313, 397, 398 1941 705	597.01, 597.02	1925 242 1935 718 1939 89
585.33	1913 158, 159	599.01-599.17	1937 509, 510 1939 323 1941 509, 709
585.35, 585.36	1923 197	600.01-600.04	1931 338, 339
585.37	1923 195, 197	600.06	1931 338, 339
585.39-585.41	1923 195, 196, 197	603.01-603.18	1917 281, 306 1919 232
585.43	1941 705		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
603.11-603.14	1935 783	611.03	1913 254 1935 705
603.13	1937 344	611.04	1921 73, 74 1923 85, 86, 88 1925 85, 86, 88, 89, 92, 112, 141, 144, 145 1927 141, 155 1933 552
603.16	1933 461 1935 514 1939 13	611.06	1923 89, 92 1925 85, 86, 88, 89, 92, 112, 141, 145
603.17	1939 13	611.07	1925 145
609.01-609.06	1923 96, 239 1925 136	611.21	1935 293
610.07, 610.10	1931 243, 844 1933 97, 554, 555, 710 1935 710 1937 21, 512	611.24	1925 141 1935 712
610.07-610.15	1931 231, 232, 234, 243, 244, 782, 812, 839, 844, 900, 1060 1933 97, 149, 554, 555 1935 120, 706, 707, 710, 711, 713 1937 21, 499, 514, 516	611.25	1927 154 1935 712
610.16-610.18	1935 120, 707	611.26	1923 86 1925 85, 86, 88, 89, 92, 112, 132, 141, 145, 398, 399 1931 262, 360, 795, 1018 1933 288, 289, 305, 306, 308, 488 1935 705, 712
610.28	1925 112 - 114, 116, 121, 122, 125, 130 - 134, 140, 144, 147, 167, 395 1927 135 - 137, 140, 141, 145, 148, 151, 153, 154, 159, 160 1929 192 1935 705, 711, 712, 715, 754 1939 537	611.27	1907 30 1929 399
611.01	1917 187 1925 112 - 114, 116, 121, 122, 125, 130 - 134, 140, 144, 147, 167, 395 1927 135 - 137, 140, 141, 145, 148, 151, 153, 154, 159, 160 1929 192 1935 705, 711, 712, 715, 754 1939 537	611.31	1919 157 1929 190 1931 840
611.02	1925 85, 86, 88, 89, 92, 107, 111, 112, 141, 145	611.31-611.34	1905 31
		611.35	1917 136
		611.38	1931 235, 555
		611.39	1933 627
		612.01-612.64	1925 112 - 114, 116, 121, 122, 125, 130 - 134, 140, 144, 147, 167, 395 1927 135 - 137, 140, 141, 145, 148, 151, 153, 154, 159, 160 1929 192 1935 705, 711, 712, 715, 754 1939 537

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
612.02, 612.03	1927 160 1931 242 1941 740	617.11	1933 97
612.23, 612.24	1939 536	618.01-618.28	1925 107 1929 192 1933 555 1935 790
612.46	1933 297 1935 711	618.04	1929 232 1935 7, 521
612.58	1937 514	618.05, 618.07, 618.09	1935 7, 521
612.64	1925 123, 131	618.20	1929 192
613.01	1925 112 1927 138, 142 1929 257 1935 708	625.01	1923 135 1925 208 1927 212, 213 1933 26, 470 - 472 1935 603, 609, 610, 622 1939 119, 120, 123, 134 1941 2
613.01-613.11	1917 244 1919 213 1925 139 1927 156	625.02	1929 238 1931 334 1933 479 1939 131
613.02	1923 88 1925 112 1927 142 1929 190 1931 229	625.03, 625.04	1929 239
613.03	1923 88 1927 156 1929 190 1931 229	625.09	1933 479
613.06	1927 156	625.09-625.12	1941 721
613.07	1935 708	625.15	1939 132
613.08	1921 109 1923 93 1925 146 1929 188	625.17	1919 214 1929 244 1941 2
613.09	1931 769	625.19	1915 168 1941 719
616.01, 616.07	1933 12, 13, 32	626.01	1921 189
616.11	1921 385 1931 354 1933 12, 32 1935 749	626.02	1907 102 1911 70 1921 189 1925 218 1941 722
616.12-616.14	1937 95, 96, 566	626.03	1907 102 1911 70 1921 189 1925 216, 218, 219 1931 334 1933 486 1941 718, 719
617.01	1921 73 1923 291 1925 117, 134 1931 792 1933 97	626.04	1911 70 1929 237, 239 1931 334 1935 606 1939 121
617.09	1923 291 1925 117		
617.10	1933 553		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
626.04-626.06	1941 717	628.01-628.14	1939 123
626.05, 626.06	1911 70 1929 239 1935 606 1939 121	628.02	1929 240 1939 130
626.08	1907 102 1911 70 1921 189 1925 218	628.03	1929 241
626.11	1933 471 1939 131	628.04	1925 219
626.18	1941 6	628.10, 628.11	1927 210
626.23	1933 470	628.12, 628.13	1925 208 1927 210 1939 130
626.24	1929 239 1937 159	628.14	1925 208 1929 249
627.01, 627.02	1925 208 1927 212, 213 1941 2	631.01-631.15	1915 164
627.01-627.16	1933 26, 472 1935 609, 610 1939 123 1941 2, 223	631.04	1925 222 1941 731, 732
627.01-627.19	1927 212, 213	631.05	1925 222 1931 406
627.01-627.36	1941 224, 226, 724, 725, 726, 727	631.06	1921 177 1929 245 1931 326 1933 472, 473, 482 1941 713, 728, 730
627.03-627.08	1941 2	631.09	1927 206 1941 728
627.06	1923 132	631.10	1933 478
627.11	1925 208 1927 212, 213 1941 2	631.11-631.15	1915 168, 169, 171
627.11-627.16	1941 2	631.12	1941 731, 732
627.17	1941 2, 223	631.13	1915 168 1929 246
627.18	1923 132 1929 239, 247 1933 475 1937 159	631.14	1915 168
627.19	1923 132 1933 475	631.15	1915 168, 171 1917 290 1925 223, 236 1929 247 1933 472, 475
627.26	1941 2	632.01-632.18	1915 167 1921 90
627.27	1941 725	632.13	1941 734
627.31	1941 726	633.08	1941 735
628.01	1929 240 1941 727	633.10	1941 727
		635.02-635.05	1925 217 1927 209 1929 243, 244 1935 605 1941 720, 736, 737

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
635.02-635.06	1917 287	640.01-640.28	1933 471 1939 119, 120, 134 1941 741, 744
635.06	1927 212 1941 737	640.03	1939 119, 120 1941 741
635.07	1927 212	640.04	1939 119, 120
635.10-635.15	1937 163, 440	640.07	1941 744
637.01	1941 738, 740	640.07-640.12	1941 713, 742
637.01-637.64	1915 173 1917 301 1933 470	640.09	1941 742
637.02	1925 214, 215 1941 713, 738	640.09-640.12	1939 119, 120, 134 1941 741, 743
637.03, 637.04	1941 738	640.17-640.19	1939 119, 120
637.11	1933 470	648.01	1933 488
637.11-637.60	1925 215	648.02	1909 54 1925 217 1929 235 1931 332, 334 1933 479 1939 131, 133 1941 713, 728, 747
637.12	1933 470	648.06	1931 334 1935 14
637.15	1937 153, 155 1939 127 1941 738	648.07	1917 294 1935 14
637.16	1937 153 1941 738	648.08	1935 816
637.27	1925 219	648.08-648.13	1931 334
637.59	1917 301 1935 621	648.10-648.12	1931 332, 334 1933 470, 481
638.01-638.15	1903 26 1905 32, 33, 63, 64, 83, 84 1907 116	649.01-649.24	1939 536
638.03	1933 471 1937 165	649.06	1941 713
638.04	1931 131	652.01	1925 167 1935 295
638.06, 638.07	1941 713	652.06	1903 29 1909 56 1931 262, 360, 795, 1018 1933 288, 289, 305, 306, 308, 488 1935 705
638.09	1937 165	652.07	1903 29, 30 1933 305
638.10	1925 219		
638.11	1925 219 1933 471 1939 131		
639.01-639.05	1935 607 1937 158		
639.04	1941 740		
640.01	1941 741		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
652.08	1927 193 1931 262, 360, 757, 795, 797, 1018 1933 288, 289, 299, 305, 306, 308, 488 1935 294, 705 1937 19, 20	653.14	1931 262, 360, 795, 1018 1933 288, 289, 305, 306, 308, 488 1935 705
652.09-652.12	1933 305, 306 1935 293	653.18	1931 262, 360, 795, 1018 1933 288, 289, 305, 306, 308, 488 1935 705 1941 748, 750
652.15	1903 30	653.19	1931 262, 360, 795, 1018 1933 288, 289, 305, 306, 308, 488 1935 294, 705 1937 16
652.18	1903 29, 30	653.25	1933 281
652.19	1903 30	653.28	1913 92 1931 262, 360, 795, 1018 1933 288, 289, 305, 306, 308, 488 1935 705
652.21	1911 84 1931 262, 360, 795, 1018 1933 288, 289, 305, 306, 308, 488 1935 705	653.29-653.31	1913 92
652.22	1935 293, 712	653.35	1931 262, 360, 795, 1018 1933 288, 289, 305, 306, 308, 488 1935 705 1941 748, 750
652.23	1919 197	653.42-653.44	1931 262, 360, 795, 1018 1933 288, 289, 305, 306, 308, 488 1935 705
652.25	1931 298	653.45	1931 262, 360, 795, 1018 1933 277, 281, 288, 289, 293, 296, 300, 305, 306, 308, 488 1935 705
653.01	1911 84	653.46	1931 262, 360, 795, 1018 1933 288, 289, 305, 306, 308, 488 1935 705
653.02	1903 26 1927 179	653.50	1931 262, 360, 795, 840, 1018 1933 282, 288, 289, 293, 295, 298, 305, 306, 308, 488 1935 705 1939 530
653.05-653.07	1931 262, 360, 795, 1018 1933 288, 289, 305, 306, 308, 488 1935 705		
653.08	1931 262, 360, 795, 1018 1933 288, 289, 300, 305, 306, 308, 488 1935 19, 705		
653.09	1931 262, 360, 795, 1018 1933 288, 289, 305, 306, 308, 488 1935 705		
653.10	1931 262, 360, 795, 1018 1933 277, 279, 280, 284, 286, 288, 289, 305, 306, 308, 488 1935 705 1939 20 1941 12, 748		
653.12	1935 286, 461		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
653.51	1933 293, 295, 298, 306 1939 530	655.03	1921 108 1925 119, 120, 160 1931 262, 360, 795, 991, 1018, 1038, 1057 1933 288, 289, 305, 306, 308, 488 1935 705 1941 718, 722
653.52	1931 262, 270, 360, 795, 1018 1933 288, 289, 305, 306, 308, 488 1935 705	655.04	1931 262, 360, 795, 856, 1018 1933 288, 289, 305, 306, 308, 488, 552 1935 297, 298, 705
653.53, 653.54	1931 262, 360, 795, 1018 1933 288, 289, 305, 306, 308, 488 1935 705	655.05	1931 856 1935 298
653.55	1931 262, 360, 795, 1018 1933 24, 288, 289, 290, 293, 305, 306, 308, 488 1935 705	655.06	1927 177 1931 321 1933 303
653.56-653.59	1933 304	655.07	1927 177 1931 321
653.61	1907 155 1931 735	655.08	1933 303
653.62	1931 735	655.09, 655.11	1927 178 1931 262, 360, 795, 1018 1933 288, 289, 305, 306, 308, 488 1935 705
653.63	1931 262, 360, 795, 1018 1933 288, 289, 305, 306, 308, 488 1935 705	655.10	1921 122 1923 137 1927 178, 212, 214 1929 207 1931 321 1933 308 1941 750
653.64	1933 291	655.12, 655.14, 655.25	1931 262, 360, 795, 1018 1933 288, 289, 305, 306, 308, 488 1935 705
653.65-653.73	1933 291, 293, 300 1935 295, 296 1939 17	655.27	1921 121 1923 94, 122 1925 69, 110, 161 1931 991, 1057 1933 308, 552 1935 708 1937 630
653.80	1939 17	656.01-656.14	1935 293, 754
655.01	1921 107 1925 69, 136 1927 178 1931 262, 360, 795, 991, 1018, 1057 1933 288, 289, 305, 306, 308, 488, 552 1935 705, 708 1937 630	657.01, 657.19	1939 479
655.01-655.28	1919 197 1925 108 1927 178, 188	657.01-657.21	1939 479
655.02	1925 69 1927 178		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
665.01	1931 298, 1051 1933 533	665.35	1933 529 - 532, 534 1939 436, 467
665.01-665.33	1925 199 1927 166 1933 533	665.36-665.42	1935 36 1939 468
665.01-665.47	1931 282 1933 529 1939 530	665.45	1941 713
665.02, 665.03	1931 1051 1933 533	667.01-667.05	1929 225 1939 530
665.07-665.12	1931 1051 1933 533	667.01-667.12	1933 529 - 532, 534 1939 436, 467
665.14	1911 72 1931 1051 1933 533	674.34, 674.37	1935 448
665.15	1933 529, 530, 531, 532, 534 1939 436, 467	674.51	1941 753
665.16	1931 1051 1933 533	674.57	1927 165
665.19	1927 177 1931 1051 1933 529 - 534 1939 436, 467	676.28, 676.50	1931 831, 845
665.21	1927 170 1931 1051 1933 529 - 532, 534 1937 612 1939 436, 467, 468	676.52	1931 831
665.22	1931 1051 1933 533	678.33	1935 561
665.23	1933 529 - 532, 534 1939 436, 467	683.01	1933 557, 558 1935 449
665.24	1931 1051 1933 533	683.02	1933 558 1935 449
665.25	1933 529 - 532, 534 1937 612 1939 436, 467	683.03	1923 143 1931 543 1933 558
665.26	1931 1051 1933 533	687.01, 687.02, 687.07	1931 867
665.27-665.29	1931 1051 1933 529 - 534 1939 436, 467	689.07	1925 239
665.30, 665.31, 665.33	1931 1051 1933 533	689.09	1933 521
665.32	1933 529 - 532, 534 1939 436, 467, 468	689.15	1905 141 1941 382
		695.07, 695.08	1935 444
		696.05	1933 207
		698.01, 698.02	1935 795
		698.09-698.11	1941 18
		700.02	1935 795
		701.04	1939 27
		703.01	1921 135 1931 502
		703.02-703.04	1931 502
		704.01-704.03	1917 114

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
705.01-705.06	1921 217 1927 446	743.01	1927 363
706.07, 706.18	1935 774	744.01	1937 493 1941 758
707.03, 707.16	1905 206	744.24	1935 813 1939 540 1941 533
708.03	1929 381	744.28	1939 138
731.07	1931 784, 785	768.01-768.04	1931 792
731.23	1905 141	775.01	1927 345 1941 598
731.28	1935 757	775.02	1927 345
731.33	1905 91 1941 188	775.06	1931 584 1933 437 1941 598
731.34	1935 685	775.07	1931 585 1935 471 1937 124, 235 1941 2, 703
732.21, 732.35, 732.38, 732.57, 732.61	1935 685	775.08	1927 229 1933 437 1941 598, 703
733.04	1905 160	775.11	1931 394, 395
733.08	1913 172	779.05	1935 756
733.11, 733.19, 733.34, 733.47, 734.30	1935 685	782.02	1929 352
735.01-735.06	1933 521 1941 313	782.07	1905 189
741.01	1931 951 1935 798 1939 45, 47	785.02, 785.03	1931 947
741.02	1929 185 1939 45, 47	790.01	1905 199 1907 213 1917 223 1921 272 1931 790 1935 768
741.03-741.05	1921 230	790.01-790.03	1905 199
741.04	1929 185 1931 951 1935 798, 799 1939 45 - 47	790.02	1935 753
741.07	1925 393 1931 567, 888	790.05	1921 272 1927 368 1931 570 1933 628 1935 480, 751, 768 1941 791
741.08	1925 392	790.06	1935 480, 768 1941 791
741.09	1925 393 1935 732	790.07	1905 199 1929 349
741.11, 741.13	1925 393		
741.21	1915 235		
742.01	1931 624 1937 118		
742.05	1937 118		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
790.08	1905 194, 199 1915 254 1929 349 1935 790 1941 759	823.01	1921 324 1929 261
790.09	1929 391	823.05	1929 261, 343
790.15, 790.16	1935 798	828.01-828.18	1903 51
790.19	1903 76	828.02	1941 761
806.01	1941 759	828.04	1931 838
811.10	1935 717	828.05	1917 337
812.01	1939 562, 563	828.06	1931 838
812.04, 812.05	1939 563	828.12, 828.17	1941 761
813.01	1927 228	828.18	1931 838
817.09, 817.10	1923 221	831.02	1929 401
817.11-817.13	1921 344	832.01	1941 760
818.01	1931 586, 618, 619	832.04	1935 262
818.03	1931 586	836.05	1915 115
818.05	1931 586, 587	838.04	1927 325
821.03	1939 565	838.06	1917 405 1931 478, 665, 741 1935 521, 668 1937 460 1941 146
821.04, 821.05	1905 139	838.07	1931 478 1937 460
821.14	1931 1031	838.11	1927 279 1931 741
821.17	1927 432	839.03	1919 186, 258
821.19	1933 520 1935 89	839.07	1927 291 1931 550
821.19-821.21	1933 603	839.08	1907 194 1935 233 1937 47 1939 23
821.22	1921 65 1933 84, 85, 103, 520 1935 89, 126	839.08-839.10	1903 593
821.23	1923 235 1933 84, 85, 103, 520 1935 89, 126	839.09	1907 194 1927 325 1931 593 1935 233, 462
821.24	1923 236 1927 432 1933 520	839.10	1907 194 1931 665 1939 23
821.31	1933 631	839.13, 839.14	1903 41
821.32	1935 769		
821.34	1939 566		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
839.18	1913 122 1939 228	860.04	1933 270
839.20	1933 273	861.06	1935 774
839.21	1931 633 1933 266	865.09	1941 765, 766, 767
843.01	1923 196 1941 494	871.01	1927 444
843.02	1923 196 1941 409	872.01	1937 621
843.11, 843.12	1929 352	875.01	1923 175
843.13	1941 545	875.10	1927 444
843.14	1931 624	875.12	1935 346
843.15	1935 799	875.24	1935 346 1937 141
847.01, 847.02	1927 462	875.25	1937 141
849.01	1935 737, 738, 802 1941 764	875.26	1931 969
849.02	1941 764	875.34, 875.35	1929 303 1931 489
849.08	1905 184 1925 351 1941 764	875.37	1927 436 1931 609
849.09	1935 802 1941 760	875.41	1929 390
849.11	1933 631	875.42	1935 363
849.14	1929 343 1937 216 1941 764	875.44	1927 444 1931 528 1939 108
849.15-849.23	1937 618 1941 762, 764	875.45	1927 444
849.16	1941 762	901.01	1933 514 1935 799 1937 51, 67
855.01	1931 767	901.01-925.03	1939 61, 87 - 90, 337
855.02	1913 266	901.02	1931 616 1935 265
855.04	1939 564	901.04	1905 202 1907 185 1931 999 1935 261, 262
855.05	1925 96 1931 752	901.09, 901.12	1941 40
856.01	1921 282 1923 222 1927 444 1931 619 1935 266, 301, 302, 304	901.15	1929 320 1935 549, 635, 753, 768 1941 58, 495
860.01	1925 320 1935 302, 319 1941 765	901.16	1931 618 1933 256
		901.19	1941 764

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
901.21	1925 201, 382 1931 949 1935 634	919.23	1941 86
901.21(1)	1941 495	921.08	1941 55
901.23	1941 55	921.14	1905 207 1941 777
902.04	1935 270, 799 1937 127	921.15	1921 298, 311 1923 266 1925 381 1927 379 1929 299 1933 487 1935 573
902.14	1933 263, 514 1935 799 1939 66	921.15(2)	1941 775
902.18	1935 799	921.16	1941 770
902.19	1941 53, 769	922.01	1927 390 1929 349, 351 1931 566 1933 263, 485 1935 687, 799
903.03	1935 799	922.04	1905 207 1931 766
903.16	1927 388 1933 266 1935 799 1941 32, 770	922.05	1927 296
903.17, 903.18	1941 32	922.09	1921 99 1927 124
903.26	1927 375 1941 772	922.09-922.12	1927 116, 230
903.27	1933 212, 218 1941 135, 771	922.10	1925 88 1929 351 1931 566 1933 263
903.28	1927 375 1941 770, 771	922.11	1925 88 1927 117
903.34	1925 381 1929 346 1933 261 1935 799 1941 45, 55	922.15	1929 349 1931 749 1933 485 1935 687, 799
906.25	1927 328	923.01	1941 38, 782
907.01	1935 799, 808 1937 111 1939 66 1941 773	923.06	1939 66
907.02, 907.03	1941 40	923.18	1939 66
908.01	1941 770, 771	924.08	1937 123
909.09	1941 33	924.12	1929 290
909.21	1941 780	924.14	1927 341 1937 123
911.06	1935 799	932.04	1935 263
918.10	1941 23	932.05	1939 562
919.11	1935 764		
919.14	1913 239		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
932.11	1939 528	936.11	1927 377 1931 521 1935 477
932.19	1939 59	936.15	1933 549
932.24	1929 327	936.16	1905 165 1931 568 1941 65
932.26	1937 78	936.17	1911 61 1927 315
932.30	1937 231 1939 370 1941 782	936.18	1941 778
932.35	1927 230	937.02	1931 615
932.42-932.44	1935 703	937.03	1927 362
932.45	1935 799 1941 771	937.04	1929 300 1933 263, 265 1935 799 1939 66 1941 45, 55
932.46	1927 375 1935 799 1941 771	937.05	1937 127
932.53, 932.55	1931 623 1937 123	937.11	1931 566
932.54	1931 623 1935 687 1937 123	937.12	1933 263
933.01-933.18	1921 355, 362, 380, 399 1923 250, 251, 292 1927 286, 383, 440 1931 618	937.13	1927 389 1941 45, 55
933.02-933.18	1931 624	937.14	1931 566
933.04	1935 752	937.15	1915 271
933.09-933.18	1931 989	937.19	1939 51
933.10	1931 568 1937 76	939.01	1935 809 1941 776
933.19	1921 355, 362, 380, 399	939.02	1935 799
936.01	1929 353 1931 398 1933 269, 270 1935 263	939.05, 939.07	1903 77
936.01-936.03	1941 778, 779	939.08	1917 433
936.02	1905 64, 165 1907 83 1931 475	939.09	1913 208
936.03	1905 64 1907 83 1929 310 1933 270	939.10	1913 208 1917 433
936.10	1905 206	939.14	1905 174 1913 261 1915 120 1925 345 1927 452 1931 464, 809, 830, 1054 1933 255, 273 1935 218, 266, 267 1937 67, 126 1939 65 1941 64

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
939.15	1935 806	951.01-951.04	1907 143 1915 120 1919 68, 244 1921 343 1929 297, 308, 350 1931 421, 529, 627 1935 703 1939 535 1941 792
939.16	1903 77 1905 201 1917 148, 440 1919 122 1927 297 1931 492, 508, 509, 808, 809, 1061 1933 255 1935 218, 260, 266, 267 1939 48, 351 1941 64, 525, 781	951.01-951.11	1923 232, 233 1927 224 1931 636 1933 483 1939 536
940.04	1937 69	951.05-951.08	1931 474, 496, 529 1941 791
940.05	1909 69 1935 353, 363, 699	951.15	1923 232 1935 703
941.01	1905 33 1927 387 1935 799 1937 130 1939 63	951.16	1913 241 1921 387 1929 337 1933 486 1935 703 1939 553
941.02	1937 130	951.18	1939 536
941.03	1939 63	952.01	1931 421 1933 546, 547
941.04	1935 759	952.02	1931 421
941.19	1941 782	952.03-952.06	1933 546, 547
945.30	1925 235	952.05	1941 791
947.06, 947.08	1941 787	952.07	1919 126, 139, 192, 272 1933 546, 547, 548, 549, 615 1939 534
947.13(10)	1941 785	952.08	1919 126, 139, 192, 272 1939 534
947.14, 947.16	1941 788	952.09	1919 126, 139, 192, 272 1933 229, 383, 390, 638, 639 1935 122, 418 1939 534
947.17	1941 794	952.14	1941 791
947.21(15)	1941 785	952.16	1931 452
947.23(17)	1941 785	952.16-952.21	1917 400 1919 65, 193
947.24(18)	1941 785	952.18	1931 452
948.01	1941 790		
948.01(3)	1941 784		
949.03	1941 787		
949.04(33)	1941 785		
950.02	1911 78 1931 467 1939 552		
950.06	1923 234		
951.01	1909 81 1915 237		

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
952.19	1937 477	955.01-955.24	1913 174
952.20	1931 452	955.07	1935 271
952.21	1931 452 1941 794	955.10	1935 789
954.01	1931 760	955.13, 955.17	1925 252
954.06	1917 421 1939 537, 538 1941 785, 790	955.18	1931 370
954.18, 954.22	1933 549	955.20	1917 406 1921 211 1925 252 1931 369 1941 545
954.20	1941 794	955.21	1917 402 1919 91 1931 369
954.27, 954.28	1933 550	955.22	1925 244, 253 1931 360, 370
954.32	1913 125 1935 703 1937 477 1939 552 1941 794	955.23	1925 253
954.45	1919 126, 139, 192, 272 1931 418 1933 546, 547 1935 767 1939 534	955.24	1931 518, 636 1933 260 1935 274
954.47, 954.48	1927 218	956.05	1925 243
		958.01	1935 271
		959.01	1925 84

PART 2 - CITATOR
PAGES 573 - 637
1943 - 1960

PART 11

Constitutional and Statutory Citator to Opinions Cited

1943-1960*

ARTICLE	REPORT	PAGE	ARTICLE	REPORT	PAGE	ARTICLE	REPORT	PAGE
DR,	1959	482	III, \$13	1957	188	III, \$28	1959	426
DR, \$1	1945	357, 557	III, \$14	1955	160			463
DR, \$2	1957	53	III, \$15	1949	38	III, \$29	1945	218
DR, \$4	1959	563		1955	160, 407, 808		1957	161
DR, \$6	1943	262	III, \$16	1945	91			168
DR, \$8	1945	771		1949	104, 397			172
	1957	364		1955	160, 569			208
DR, \$10	1943	109, 123		1959	528			249
	1945	744	III, \$17	1947	13			382
	1957	880		1949	23	III, \$30	1945	172
	1959	12		1955	160		1957	194
DP, \$11	1955	675	III, \$18	1949	56, 82, 627		1959	33
	1957	153, 583, 731		1953	144			167
DR, \$12	1943	321		1955	200, 205, 926			207
	1945	560, 769		1957	202, 223	III, \$32	1959	302
	1947	615		1959	162, 463	IV, \$1	1943	164
	1955	322, 433	III, \$20	1943	136, 214			331
	1959	126, 241		1945	163, 165, 357,		1949	159
DR, \$13	1957	798			771			404
DR, \$14	1943	189		1947	68, 156		1951	107
	1957	189, 280, 880		1949	22, 50, 237,		1955	353
	1959	70, 551			239, 580, 581,	IV, \$2	1951	684
DR, \$16	1943	126			582		1953	134
DR, \$18	1945	770		1951	109	IV, \$3	1955	160
DR, \$22	1957	596		1953	289, 658		1959	768
I	1949	413		1955	66, 121, 130,	IV, \$4	1955	286
	1957	261			160, 551, 624	IV, \$5	1949	404
I, \$2	1951	98		1959	681	IV, \$6	1943	164
II	1949	159	III, \$21	1943	136, 214		1949	159
	1959	540		1945	165, 248, 357			383
II, \$1	1951	98		1947	13, 68			404
II, \$2	1951	684		1949	23, 50, 203	IV, \$7	1943	97
III	1949	324		1951	297			141
III, \$1	1949	221		1953	184, 289		1945	219
	1957	53, 168		1955	121, 130, 160,		1947	127
III, \$2	1943	96, 142			687, 863		1949	156
	1955	160, 200, 808		1957	129, 169, 230	IV, \$8	1943	570
	1957	162, 169, 188, 202,		1959	153, 162, 631			96
		542	III, \$22	1945	554			142
III, \$3	1949	22, 221, 334		1947	377, 517		1949	23
	1953	4		1953	350			25
III, \$4	1943	140		1955	793		1955	160
	1945	87		1957	277, 602			200
	1953	4, 128		1959	563, 592			676
	1955	200, 307	III, \$23	1953	668			808
	1959	768		1955	330, 639			890
III, \$5	1945	103		1957	810		1957	168
	1953	4	III, \$24	1943	136	IV, \$10	1955	200
	1957	584, 625		1947	173			808
	1959	517		1949	109	IV, \$11	1943	96
III, \$6	1943	141		1955	575			331
	1947	13, 623	III, \$25	1955	488, 537	IV, \$12	1943	331
	1949	23	III, \$26	1949	589			503
	1953	4, 304	III, \$27	1945	127, 548, 596			505
III, \$7	1947	623		1949	51, 458, 464			506
	1953	4		1951	63, 611			510
	1957	26		1953	163		1945	167
III, \$9	1953	4		1955	130, 322			748
	1957	36		1957	26, 289, 391,		1949	74
III, \$10	1947	13			887			625
	1949	23, 301		1959	563, 676		1951	101
	1955	146	III, \$28	1947	13, 615	IV, \$13	1947	282
III, \$11	1955	890		1949	23		1949	25
III, \$12	1947	13		1953	128, 227, 573			56
	1949	23		1955	160, 200, 219,		1955	890
III, \$13	1945	81			245	IV, \$14	1943	255
	1955	200, 219, 307		1957	154, 202		1945	96

ARTICLE	REPORT	PAGE	ARTICLE	REPORT	PAGE	ARTICLE	REPORT	PAGE
IV, \$15	1943	106, 108	V, \$7	1947	34	V, \$27	1951	128
	1945	124, 203, 218		1957	387, 731		1959	12
	1947	155	V, \$8	1957	731	V, \$28	1945	744
	1949	615	V, \$9	1959	162		1949	51
	1955	59, 109, 127,	V, \$9 A	1957	777		1951	128
		200	V, \$9 B	1957	594		1959	12
IV, \$17	1957	225, 319, 391	V, \$9(1)	1959	162	V, \$29	1951	128
	1945	760	V, \$9(2)	1959	472	V, \$30	1947	91
	1947	121	V, \$10	1955	958		1949	122
	1959	467, 563		1959	12			593
IV, \$18	1943	98	V, \$11	1945	218		1951	128
	1945	438		1949	81	V, \$31	1943	122
	1949	27		1951	768		1951	128
IV, \$20	1953	134		1955	365, 736	V, \$32	1949	122
IV, \$21	1957	154		1957	485, 656			593
IV, \$23	1953	250	V, \$11(2)	1957	532	V, \$33	1953	35
	1957	71	V, \$12	1955	624	V, \$34	1953	185
	1959	126, 549		1957	391, 731, 884			641
IV, \$24	1943	101		1959	55, 310, 771	V, \$36	1943	119
	1945	774	V, \$15	1943	110, 111		1947	34
	1947	19, 447		1945	252		1949	57
	1949	29, 159		1949	37			204
	1955	127		1955	222, 657, 682		1955	957
	1957	68, 71		1957	4	V, \$39	1943	122
	1959	125		1959	188, 448		1945	152
IV, \$30	1943	329, 330, 331,	V, \$16	1945	252		1951	128
		492		1949	56			768
	1945	508, 510, 513,		1951	129		1955	736
		734		1959	448	V, \$41	1943	122
	1947	402	V, \$16 A	1949	104		1949	50
	1949	221, 345, 397,	V, \$17	1945	626	V, \$42	1947	84
		399, 400, 401,		1947	28		1949	137
		403, 404, 405,		1949	81, 368			144
		406		1951	129	V, \$45	1943	192
	1951	502, 506, 511		1953	423		1955	270
	1953	306, 357, 424		1955	958		1957	201
	1955	286, 397, 445,		1957	485, 560	V, \$45(c)	1943	192
		667, 954		1959	57	V, \$45(d)	1957	4
	1957	596, 934	V, \$18	1943	123	V, \$46	1947	94
	1959	348, 365		1945	252		1953	134
IV, \$30(1)	1943	328		1947	28, 29	V, \$47	1945	771
	1949	405		1949	52, 54, 81		1951	128
	1951	505		1951	128, 129		1953	134
IV, \$30(4)	1949	405		1957	485		1957	4
	1951	508	V, \$19	1957	903			594
	1953	429		1959	92	V, \$48	1947	94
IV, \$30(5)	1953	429, 430	V, \$21	1945	139, 140, 144		1949	104
IV, \$30(6)	1951	508		1947	63, 616		1953	134
	1953	306, 429, 430		1949	367	V, \$50	1955	89
IV, \$30(7)	1949	397		1951	60, 61			628
	1959	348		1953	162		1957	656
V	1943	383	V, \$22	1955	419, 738, 860	V, \$50(48)	1957	391
	1945	172,		1943	126	VI	1945	161
		252		1945	143		1947	273
	1955	644, 884		1947	37		1949	96
	1957	285, 447		1949	61, 64, 65, 68,			203
	1959	57			69, 73, 415,		1953	603
V, \$1	1949	68, 69, 614, 615			614, 615	VI, \$1	1945	166
	1951	56, 63, 432		1955	889			168
	1953	641		1957	485			187
	1955	437	V, \$23	1949	60, 68, 100, 129,			191
	1959	55, 76, 627			570		1947	52
V, \$2	1953	134, 558		1953	162			54
	1957	318, 560	V, \$24	1947	91			62
	1959	55, 95		1951	128			64
V, \$3	1947	29	V, \$25	1945	218			65
	1959	507		1949	122, 593			66
V, \$4	1951	368		1957	485			161
V, \$4(b)	1951	368		1959	771			303
V, \$4(2)	1951	368	V, \$26	1951	128		1949	89
V, \$5	1957	485	V, \$26(4)	1957	447			91
V, \$6	1957	387	V, \$26(13)	1959	57			92
	1959	507	V, \$27	1943	123			94
V, \$6(7)	1957	826		1945	218			96
				1949	51			284

ARTICLE	REPORT	PAGE	ARTICLE	REPORT	PAGE	ARTICLE	REPORT	PAGE
VI, \$1	1951	96, 97, 98, 165	VIII, \$6	1959	10, 33, 719	IX, \$2	1949	250,
	1953	69, 451, 101	(cont.)	1943	95	(cont.)		334,
	1955	337, 595	VIII, \$7	1945	218, 301, 304		1957	400
	1957	636		1953	152			938
VI, \$2	1945	166, 187, 191		1957	289, 312	IX, \$3	1945	324
	1947	52, 65, 66, 161,	VIII, \$8	1947	173	IX, \$4	1943	162
		292		1949	108, 109, 203		1945	275
	1949	117		1951	246			89
	1951	96, 97, 98, 165		1955	66, 138			578
	1955	595		1957	96, 270		1949	774
	1957	684		1945	172, 180			29
VI, \$3	1945	168, 187	VIII, \$11	1957	368, 391, 544,			338
	1947	52, 53, 62			670		1951	383
	1949	89, 91, 92, 94						28
	1951	96, 97, 165	VIII, \$11				1953	437
VI, \$4	1943	510	(1) (b)	1957	368			4
	1945	167, 187, 771	VIII, \$11					9
	1947	52, 53, 69, 84	(1) (f)	1957	391			182
	1951	94, 101, 165, 203	VIII, \$11(4)	1957	368		1955	407
	1953	71	VIII, \$12	1945	172			541
	1959	510	VIII, \$13	1949	244			873
VI, \$5	1945	167, 771		1955	138			943
	1947	53, 69	VIII, \$14	1955	138		1957	71
	1951	94, 165, 203	VIII, \$18	1949	229			208
	1953	71, 72	VIII, \$19	1949	229			249
	1959	510	VIII, \$20	1957	270			368
VI, \$6	1951	163	VIII, \$21	1957	271			382
VI, \$7	1951	96	IX	1943	434			602
VI, \$12	1953	71		1947	182			639
VI, \$45	1943	441		1959	290, 525		1959	125
VII	1945	259	IX, \$1	1943	196			126
	1947	11		1945	233, 276, 277,			191
VII, \$1	1945	259			288, 289, 301,	IX, \$5	1945	357
VII, \$2	1945	81, 84			304, 331, 662		1949	170
	1953	4		1947	184, 185, 186,			175
	1955	160			187, 190, 191,			176
VII, \$2 (2)	1951	701			198, 625			180
VII, \$2c(2)	1951	701		1949	207, 214, 215,			203
VII, \$3	1945	81, 84			216, 218, 219,			207
	1955	160, 200, 245			222, 223, 226,		1951	231
		366, 676, 808, 890			233, 237, 247,			261
VII, \$4	1945	81			248, 253, 254,		1953	137
VII, \$5	1943	192, 441			258, 315, 479,			176
	1945	245			514			471
	1949	104		1951	276, 278, 280,		1955	66
	1951	109			281, 282, 283,			120
	1953	207			302, 306, 360,			242
	1957	201, 366			619		1957	232
	1959	114		1953	209, 212, 214,			867
VII, \$7	1951	82			208, 228, 251,		1959	388
VII, \$10	1945	776			252, 262	IX, \$6	1945	413
VIII	1947	104		1955	21, 52, 66, 73,		1947	111
	1951	236			85, 108, 120,			150
VIII, \$1	1957	14			322, 409, 427,			198
	1959	525, 653			460, 552, 604,			240
VIII, \$3	1945	247			697, 755, 767,			308
VIII, \$4	1949	175, 180			787, 909, 953			433
	1955	595, 624		1957	5, 14, 20, 33,			530
	1957	670			64, 73, 125, 141,		1949	30
VIII, \$5	1943	180, 183			142, 150, 166, 179,			147
	1945	178, 312			182, 213, 243, 355,			150
	1947	63, 105, 139, 616			367, 452, 561, 646,			192
	1949	88, 100, 129,			696, 720, 765, 796,			282
		169, 172			797, 827, 873, 912,			434
	1951	59, 222, 223			925, 932		1951	556
	1955	240, 251, 385		1959	48, 88, 111,			168
	1957	357, 366, 375			121, 178, 360,			293
VIII, \$6	1943	110, 178			485, 525, 591,		1953	509
	1945	198, 252, 301, 304			599, 649, 653,			11
	1947	126, 385			693, 711, 757,			73
	1949	361			760, 766, 767			94
	1951	255, 368	IX, \$1(3)	1949	223			100
	1953	34, 41, 162, 250	IX, \$2	1945	462, 468, 762			101
	1955	217		1947	47, 183, 277,			104
	1957	511, 544			412			251
								471
								580

ARTICLE REPORT PAGE

IX, §6 (cont.)	1955	74, 116, 727
	1957	78, 136, 200, 516, 692, 844, 930
	1959	153, 159, 255, 534, 668
IX, §7	1945	357
	1957	490
	1959	525
IX, §9	1943	217
	1945	289, 774, 776
	1947	176, 177
	1949	180, 217, 218, 227, 239
	1953	219, 308, 313
	1955	118
	1957	339, 576
IX, §10	1945	357
	1949	428, 538
	1951	662
	1953	176, 471
	1955	558, 873, 878
	1957	490
	1959	414, 534, 718
IX, §11	1943	382
	1945	327
	1947	244
	1949	217, 218, 283
	1951	306, 557
	1953	245, 253, 310
	1955	273, 427, 444, 555, 838
IX, §12	1943	459
	1947	274, 275, 276
	1949	207
	1951	302
	1955	21
IX, §13	1943	215
	1945	334, 775
	1947	277
	1949	218, 235, 252, 362, 363, 364, 379
	1951	492, 493
	1957	93
IX, §14	1949	207
	1951	302
	1955	21
IX, §15	1951	244, 297
	1959	602
IX, §16	1943	103, 186, 322, 323, 325
	1949	556
	1951	333
	1953	11, 224, 412
	1955	5, 350, 695
X, §1	1943	484
	1945	264, 281, 282, 285, 286, 777
	1947	193, 195, 616, 617, 619
	1949	175, 180, 217, 218, 235, 285, 286
	1951	340, 352
	1953	310, 313, 316
	1955	113, 335, 426
	1957	5, 170, 393, 773, 906
X, §2	1955	194
X, §4	1957	5, 906
X, §5	1945	264
	1951	352

ARTICLE REPORT PAGE

X, §5 (cont.)	1955	426
	1957	5
X, §7	1943	198
	1945	264, 281, 282, 283, 284, 285, 286, 287, 776, 777
	1947	193, 194, 195, 196, 365, 616, 617, 619, 620
	1949	213, 217, 218, 233, 237, 251, 284, 285, 286, 287, 288, 289, 310, 362, 363, 418
	1951	261, 278, 288, 346, 347, 348, 349, 350, 352, 355, 357, 358, 360, 642
	1953	208, 210, 217, 312, 313, 314, 317
	1955	21, 104, 113, 194, 262, 273, 335, 393, 426, 434, 444, 496, 565, 782
	1957	5, 35, 72, 94, 109, 170, 236, 339, 365, 393, 411, 449, 636, 773, 780, 906
	1959	159, 482, 492, 525
X, §22	1945	753
XI	1947	607
	1951	347
XI, §1	1951	346
XI, §2	1945	259
	1951	346
XI, §3	1951	346
XI, §12	1945	259
XII	1943	247, 265
	1957	111
XII, §1	1949	290, 308
	1951	379, 393
XII, §2 A	1957	12, 253
XII, §2-A (1)(3)	1957	12
XII, §3	1943	106, 285
	1945	373, 438, 778
	1947	623
	1949	282
XII, §4	1943	101, 262, 299, 309
	1945	506
	1947	363, 586
	1949	282, 291, 571
	1955	446
XII, §5	1943	241, 299, 309
	1945	373, 506
	1949	282, 291
	1949	401
XII, §6	1947	310
XII, §7	1943	269
XII, §8	1947	310
	1949	315
	1955	14, 217
XII, §9	1943	262, 454
	1947	310, 622

ARTICLE REPORT PAGE

XII, §9 (cont.)	1949	290
		308
	1951	379
		393
	1953	324
		635
	1955	217
		611
	1959	748
XII, §10	1943	243
		253
		262
		265
	1945	173
		372
		383
		393
		395
		413
	1947	293
		303
	1949	292
		293
		301
		310
		313
		315
	1951	368
		400
	1955	217
		337
XII, §10 A	1955	945
	1957	12
XII, §12	1949	307
XII, §13	1943	262
	1945	372
	1947	622
	1949	290
		299
		308
		339
	1951	361
		379
		393
	1953	324
		635
	1955	611
XII, §15	1955	217
	1959	33
XII, §17	1943	262
		265
	1945	372
	1947	616
	1949	150
		203
		310
	1951	168
XII, §18	1953	347
	1955	623
	1959	308
XII, §18 (5)(d)	1957	682
XIII	1955	515
XIII, §2	1945	760
XIII, §3	1943	183
		275
	1947	428
	1949	24
		174
		186
		201
	1953	151
		174
		498

ARTICLE	REPORT	PAGE	ARTICLE	REPORT	PAGE
XIII, \$3 (cont.)	1955	537, 911	XVI, \$16 (cont.)	1951	218, 277, 278, 280, 281, 282, 284, 302, 360, 432, 619
XIII, \$5	1945	170		1953	208, 209, 212
XIII, \$6	1947	41		1955	214, 228, 251 52, 73, 108, 120, 409, 604, 697, 767, 787, 909
XIV, \$1	1959	133		1957	20, 33, 64, 73, 125, 141, 142, 150, 166, 179, 182, 213, 243, 452, 490, 561, 696, 720, 796, 797, 827, 873, 932
XIV, \$5	1947	588			48, 111, 121, 178, 525, 591, 599, 649, 653, 693, 757, 766, 767
XIV, \$6	1955	595			157
XV	1955	515, 537			225, 319, 590
XV, \$1	1947	411			517, 598
	1955	333	XVI, \$17	1949	319
	1959	278		1957	722
XV, \$2	1945	579		1959	771
	1955	333		1949	625
XV, \$3	1945	579		1951	94, 203
XVI, \$1	1955	1		1953	31, 536, 680
XVI, \$2	1949	204		1955	785
	1953	4		1959	510, 762
	1955	1		1955	322
XVI, \$3	1947	624		1953	415
	1949	29		1955	322
	1953	4		1959	126
	1955	1, 127		1945	779
	1957	71, 33		1949	408
	1959	249		1951	724
XVI, \$4	1943	110, 178		1949	408, 409
	1949	32, 117		1951	511
	1951	43, 54, 79, 232		1959	583
	1955	222, 251, 624		1953	415
	1957	167, 499, 590		1959	230, 346
XVI, \$5	1947	363		1947	13
XVI, \$6	1949	29		1949	23
XVI, \$7	1945	596		1953	4
	1949	202, 410, 464		1955	160
	1957	887		1959	230
XVI, \$9	1947	158, 447, 562		1947	13
	1953	62, 691, 716		1949	23
	1955	383		1953	4
	1957	280, 488, 880		1955	160
	1959	39, 150, 537		1959	230, 346
XVI, \$11	1945	653		1955	890
	1947	160, 474		1955	217
	1951	402		1959	719
	1955	958		1959	487
	1957	382, 602		1959	716
	1959	249		1957	50
XVI, \$14	1943	95		1959	108, 572
	1945	218		1955	108
	1949	28, 124, 127, 129, 144, 595		1955	333
	1951	49, 236, 505			
	1959	67, 487			
XVI, \$15	1943	172, 251, 257			
	1945	121, 127, 128, 202, 226, 252, 778, 779			
	1947	167, 523, 623, 624, 625, 627			
	1949	35, 38, 41, 66, 89, 181, 204, 367, 441			
	1951	45, 61, 129, 152, 210, 255, 258, 611			
	1953	26, 41, 123			
	1955	154			
	1957	26, 126, 198, 511, 584			
	1959	517			
XVI, \$16	1945	233, 276, 277, 289			
	1947	184, 185, 186, 187			
	1949	51, 214, 216, 219, 222, 223, 226, 247, 514			

CITATIONS TO THE FLORIDA STATUTES

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
1. 01	1945 554, 722 1947 169 1949 18, 282 1951 291, 606 656 1955 631 1957 307	11. 031(1) 11. 031(2) 11. 031(3) 11. 031(4)	1957 201 1957 201, 366 1959 176 1959 631, 652, 684 1959 631, 652 684	15. 06 15. 08 15. 09 15. 13 16. 19	1947 13 1949 23 1959 229 1959 229 1959 68 488 1943 146 1945 132, 186, 409, 481, 619, 680, 694
1. 01(1)	1943 150	11. 06	1947 13		
1. 01(3)	1949 589 1951 452, 656		1949 23 1955 830		
1. 01(9)	1953 207 1959 652	11. 07 11. 08	1947 13 1947 13		
1. 01(10)	1949 24 1953 251 1955 949 1957 14, 25, 240		1955 146, 407, 830 1957 38 1947 13 1955 146 1957 38	16. 20	1955 172 1943 285, 295, 302 1945 132, 186, 409, 481, 590, 619, 680, 694, 734
1. 01(11)	1953 289		1955 146, 830		
1. 01(13)	1957 307	11. 10	1947 13		
1. 02	1945 93, 292		1955 146, 830		
2. 01	1943 125 1949 250 1955 838 1957 912 1959 37	11. 11 11. 12	1947 13 1949 23 1955 146, 407, 729 1945 87, 89 1947 13 1953 4 1955 3, 407, 729, 808 830 1957 168, 639 1955 146, 407, 808	16. 21 16. 22	1955 172 1943 285, 302 1945 132, 186, 409, 481, 619, 680, 694 1955 172 1945 132, 186, 409, 481, 619, 680, 694, 716
2. 04	1949 210		1957 168, 639		
3. 01	1949 399	11. 12(2)	1955 146, 407, 808	16. 23	1955 172 1943 413 1945 132, 186, 409, 481, 587, 619, 680, 694, 762
6. 02	1945 77 1953 523 1955 549	11. 13	1943 140 1945 87 1949 124, 126 1955 3, 146, 160, 200, 265, 307, 406, 407, 808 1957 168, 639 1957 168 1955 146 1957 639 1955 265, 830 1955 265 1945 87 1947 13 1945 87 1955 3, 4 1945 87 1945 87 1945 87 1955 3 1953 3 1959 198 1953 3 1959 198 1951 25 1953 3		
6. 04	1943 91 1945 77 1947 11 1949 20 1953 523, 701 1955 549, 663 1955 663		1957 168, 639 1955 146, 407, 808 1943 140 1945 87 1949 124, 126 1955 3, 146, 160, 200, 265, 307, 406, 407, 808 1957 168, 639 1957 168 1955 146 1957 639 1955 265, 830 1955 265 1945 87 1947 13 1945 87 1955 3, 4 1945 87 1945 87 1945 87 1955 3 1953 3 1959 198 1953 3 1959 198 1951 25 1953 3		
6. 05	1949 20		1957 168, 639	16. 24- 16. 42	1945 186, 409 1955 529
7. 03	1953 1		1957 168, 639	16. 44 16. 44(9)(b)	1955 797
7. 04	1949 20		1957 168	16. 46	1955 873
7. 05	1949 249	11. 13(2)	1955 146	16. 49	1945 577
7. 09	1949 211	11. 13(3)	1957 639	16. 50	1949 28
7. 30	1949 249		1955 265, 830	17. 03	1949 29
7. 38	1957 261	11. 13(3)(a)	1955 265	17. 04	1959 549
7. 44	1949 20, 21, 96, 232	11. 13(3)(b)	1945 87	17. 041	1953 16
7. 51	1949 229, 232	11. 14	1947 13	17. 041(1)(3)	1955 534 1959 582, 719
7. 52	1949 20, 21, 93, 229, 232	11. 15	1945 87	17. 041(5)	1959 719 1959 582
7. 53	1949 20	11. 16	1955 3, 4		1955 534 1959 549
7. 59	1953 1	11. 17	1945 87	17. 05	1955 534 1959 549
7. 63	1949 20	11. 18	1945 87	17. 06	1959 549
7. 66	1943 156	11. 19	1955 3	17. 07	1949 29
8. 01	1943 156	11. 20	1953 3	17. 08	1949 29
8. 02	1943 156	11. 21	1959 198	17. 09	1949 29
8. 04	1951 444 1949 23 1955 160, 336	11. 22- 11. 27	1953 3 1959 198 1953 3 1959 198 1951 25 1953 3	17. 13 17. 18 17. 19 17. 20	1943 98 1953 16 1953 16 1953 16 1957 710
10. 01	1949 23	11. 24(5)	1957 639	17. 21	1953 16
10. 02	1955 160	11. 25	1959 198	17. 22	1953 16
10. 03	1949 23	11. 25(2)	1959 198	17. 26	1943 98, 373 1951 28 1955 804 1957 234
11. 02	1955 366 1949 23 1953 184	12. 01-12. 05 14. 05 15. 01	1945 104 1953 4 1955 6		
11. 03	1945 91, 248 1949 23 1955 160				
11. 031	1957 265, 366 1959 631				

579

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
29.02	1949 37	30.24	1943 116	30.52 (cont.)	1957 443, 556,
	1955 132		1945 111		600, 787
29.03	1949 37, 38		1947 42	30.53	1957 207, 265,
	1951 44		1949 47		401, 429,
	1953 23		1953 27		443, 556,
	1959 185	30.25	1943 175		600, 787
29.04	1953 23		1945 112, 114,	30.54	1957 207, 265,
	1959 185		115, 116,		401, 429,
30.01	1957 686		139, 142,		443, 556,
30.02	1945 124		237, 785		600, 787
	1951 82		1947 158		1959 183
	1955 660		1949 39, 40,	32.01	1947 91
	1957 686		190	32.01(2)	1949 625
30.07	1945 127, 632		1951 48, 49,	32.02(2)	1949 625
	1949 49, 481		62	32.02(4)	1957 664
	1953 171		1955 400	32.05(3)	1957 667
	1957 664		1957 787	32.06	1943 122
	1959 674	30.27	1943 189, 332		1945 135
30.08	1945 120, 127,		1947 41		1951 464
	632		1949 42		1957 318
30.09	1945 127, 632		1953 28	32.08	1957 399
	1955 660		1959 227	32.10	1947 91
	1959 601	30.30	1949 45	32.11	1945 137, 744
30.09(1) (2)	1945 120	30.30(6)	1959 37		1957 399
30.09(4) (c)	1959 601	30.31	1945 112	32.12	1949 42, 50
30.11	1949 155		1955 139		1951 77
	1951 54	30.32	1945 120, 632,	32.12(1)	1949 50
30.12	1945 120, 632		751		1959 106
30.15	1945 120, 632	30.33-		32.14	1949 50
	1947 40, 44	30.35	1945 120, 632	32.14(1)	1959 106
	1951 46, 50	30.47	1957 207, 265,	32.16	1951 128
	1953 25, 29		401, 429,	32.17	1943 122
	1955 333		443, 556,		1947 32
	1959 327		600, 787		1953 30
30.15(3)	1957 664		1959 183	32.18	1943 123
30.15(4)	1957 664	30.47-			1945 744
30.15(5)	1953 29	30.54	1959 59		1959 482
30.15(9)	1957 664	30.48	1957 207, 265,	32.18(1)	1957 777
30.16	1945 139		401, 429,	32.18(4)	1957 777
30.18	1945 120, 632		443, 556,	32.19	1943 123
	1957 871		600, 787	32.20	1949 51
30.19	1945 125	30.48-		32.21	1947 30
	1951 49	30.53	1959 504	32.24	1945 152
30.21	1945 124	30.48(2)	1959 183	32.25	1949 51
	1951 62	30.49	1957 207, 265,	32.26	1943 336
30.22	1945 120, 632		401, 429,	32.27-	
30.23	1943 118, 119,		443, 556,	32.28	1955 28
	121, 175		600, 787	33.01	1951 56
	1945 109, 110,		1959 183, 504,	33.03	1951 56
	112, 114,		542, 657,	33.04	1955 355
	115, 116,		752	33.07	1957 318
	139, 142,	30.49(2)	1959 504, 752	33.10	1951 56, 77
	237, 785	30.49(2) (b)	1957 556	33.14	1951 56
	1947 27, 38,	30.49(3)	1957 207	34.01	1943 428
	39, 45		1959 183, 504	34.01(4)	1957 731
	1949 39, 40,	30.49(4)-(8)	1959 183	34.01(7)	1951 90
	41, 42,	30.50	1957 207, 265,	34.03	1949 50
	44, 45,		401, 429,		1955 261
	47, 48,		443, 556,	34.04	1951 77
	49, 72,		600, 787		1959 507
	80, 209,		1959 504	34.041	1951 39
	600, 604	30.50(1)	1959 504		1953 20
	1951 47, 48,	30.51	1957 207, 265,		1955 261
	49, 51,		401, 429,		1959 507
	62		443, 556,	34.041(1)	1955 261, 281
	1953 27, 716		600, 787	34.041(2)	1955 261
	1955 400, 603,		1959 59, 265,		1959 507
	712, 741		609	34.041(5)	1959 507
	1957 147, 198,	30.51(1)	1957 401	34.05	1959 507
	219, 401,		1959 265, 609	34.05(3)	1955 281
	843	30.51(2)	1959 609		1959 507
	1959 10, 124,	30.51(6)	1959 265	34.07	1943 336
30.23	227, 428,	30.52	1957 207, 265,		1945 138, 139
	551, 674		401, 429,	34.10	1951 59, 128

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
34.11	1949	53, 99, 182, 189	37.01(3)	1947	36, 37	38.04	1945	135
	1951	59, 128		1949	63		1959	95
	1957	224	37.01(4)	1957	485	38.05	1945	135, 147
	1959	641	37.02	1949	71		1959	95
34.12	1943	123, 428		1949	68, 69, 614, 615	38.06, 38.07	1945	135
	1951	128	37.03	1943	126		1959	95
	1959	482		1945	141, 143	38.08	1945	135
34.13	1943	123, 428		1949	62, 68, 69, 597, 614, 615	38.09	1959	95
	1949	36					1943	108, 126
	1951	128					1945	135, 786
34.14	1943	123	37.04	1955	889		1951	64
	1951	128		1945	139		1953	46
34.15	1945	786		1947	63		1955	918
	1951	128		1951	60		1957	298, 318
34.16	1951	128		1955	419		1959	95
34.20	1949	52	37.05	1945	139	38.10	1945	135
	1959	631		1947	63		1959	95
34.21	1947	30, 34	37.06	1945	139	38.11	1943	108
	1959	631		1947	63		1945	135
34.24	1951	83		1949	70		1949	74
35.22(3)	1959	507		1951	60		1951	64
36.01	1945	132	37.07	1945	139		1957	298, 318
	1951	83		1947	63		1959	95
	1957	731		1951	60	38.12	1959	95
36.01(1)	1949	57, 619, 620	37.08	1951	77	38.13	1959	95
				1957	167	38.14	1947	33
36.01(3)	1943	125	37.10	1951	82		1957	560
36.01(4)	1943	125		1953	34		1959	95
	1953	31	37.11	1951	82	38.15	1947	33
36.02	1943	125	37.15	1957	532		1959	95
	1957	532		1959	10	38.16	1947	33
36.03	1951	82	37.16	1943	129, 316, 336	38.17	1959	95
36.04	1945	130, 131		1945	118		1947	33
	1949	56, 57, 597		1947	605		1949	74
	1955	299		1949	60, 68, 69, 72, 570, 612	38.18	1955	623
36.06	1951	64					1959	95
36.07	1949	55		1951	46, 62		1943	123
36.09	1949	31		1953	34		1947	33
36.11	1943	336		1959	227	38.19	1955	623
	1945	118, 132, 133, 139	37.18	1949	60, 68, 621		1959	95
	1947	605				38.19(2)	1947	33
	1949	54, 60		1953	716	38.20	1953	170
	1951	46, 62	37.20	1943	119	38.21	1959	95
36.12	1943	306		1945	116, 146	38.22	1951	80
36.16(1)	1957	318		1947	39		1959	95
36.16(2)	1957	318		1949	44, 49, 72	38.23	1959	95
36.17	1945	130, 134, 751		1951	48	39.01	1955	605, 628
	1947	82		1959	10		1959	55
	1949	58	37.21	1943	130	39.01(1)	1951	129
	1951	77, 512		1947	34		1957	656
	1955	373		1949	64, 73	39.01(6)	1953	44
36.17(1)-(3)	1955	373		1955	92		1955	628
36.18	1949	54	37.22	1947	39		1959	197, 725
36.18(2)	1943	128		1957	318	39.01(10)	1957	656, 884
36.19	1949	58, 619	37.24	1943	126, 128	39.01(11)	1953	44
36.20	1959	587		1945	143		1955	199, 628
36.20(2)	1959	587		1947	37		1959	197, 725
36.21	1949	58, 619		1949	62, 66, 71, 73, 597	39.01(12)	1953	144
37.01	1943	126				39.02	1955	199, 628
	1945	143					1955	365, 628, 930
	1949	62, 63, 67, 69, 71, 73, 528, 614, 615	37.24(1)	1957	485		1957	850
			38.01	1945	135		1959	442
				1953	170	39.02(1)	1953	43
				1959	95		1955	628
	1951	83, 90	38.02	1945	135, 147, 716		1957	850
	1957	485		1947	28		1959	197, 725
37.01(1)	1949	70		1959	95	39.02(1) (a)	1955	199
37.01(2)	1947	36, 37	38.03	1959	95	39.02(2)	1957	468
							1953	43
							1955	628

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
47.30 (cont.)	1959	232	59.13	1943	149	72.19	1943	373
47.34	1959	335		1951	654	72.20	1943	373
47.36	1959	335	59.13(2), (8)	1951	654		1955	150
47.46	1953	49	59.14	1943	149	72.21	1943	373
	1955	917	59.45	1957	822	72.22	1943	373
47.49	1957	651	61.05,				1959	520
48.01(10)	1953	642	61.07	1951	776	72.23	1943	373
48.08,			62.07	1953	20, 636	72.24	1943	373
48.10	1947	47	62.18	1953	54	72.25	1943	373
48.16	1953	642		1959	59	72.27	1953	462
49.03	1953	233	62.19	1953	54		1955	208, 333
49.06(2), (4)	1949	77		1959	59	72.28	1955	150
54.04	1943	132	62.20	1959	59	72.40	1955	173
	1949	77, 79,	62.21	1959	59	72.40(1) (a)	1955	173
		561	62.23	1945	718	73.11-		
	1951	85, 217		1947	134	73.13	1953	21
	1953	20, 21		1949	162	73.16	1951	42
	1955	238, 674		1955	234	73.21	1949	80
	1959	417, 513		1959	640, 667	74.01-		
54.05	1943	132	62.24	1945	718	74.04	1951	87
	1949	77, 561		1955	234	74.05	1943	134
	1951	85		1959	667		1951	87
	1953	20, 21	62.25	1945	718	74.06	1943	134
	1955	238		1955	234		1951	87
	1959	513		1959	667		1953	21
54.06	1943	100, 132	62.26	1945	718	74.07	1951	87
	1945	154		1947	134	74.08	1951	87
	1949	79, 561		1949	162		1953	21
	1959	523		1955	234	74.09	1951	87
54.11,				1959	667	74.10	1951	42, 87
54.12	1953	50	62.32	1957	744	74.11-		
54.30	1943	125	63.33	1957	744	74.15	1951	87
55.08	1949	35	62.34	1957	744	75.02	1957	414
	1953	51	62.35	1957	744	75.11	1957	193, 305,
	1957	119	62.36	1945	293			414
55.09	1953	51	63.08	1945	157	76.03	1959	402
	1957	119	63.47	1943	133	76.05	1959	31
55.10	1943	112	63.50	1949	78	76.18	1957	219
	1945	155, 310	64.11	1945	500	76.20	1951	88
	1951	40, 340		1955	80	77.01	1959	402
	1953	51		1957	4, 485	78.02	1951	88
	1957	119	65.02	1953	451	78.03	1955	189
55.15	1949	77	65.04	1957	928		1959	402
	1955	503	65.09	1951	532	78.05	1959	402
55.16,			65.10	1943	492	78.06	1951	88
55.17	1951	86		1951	529	78.10	1959	37
55.18	1949	77	65.14	1951	529	78.13	1957	219
55.20	1949	235	65.15	1949	583	78.19	1945	746
	1957	48	66.26,			79.01	1955	889
55.21-			66.27	1945	156	79.04	1949	602
55.25	1957	48	69.04	1945	156	81.01	1949	31
55.34	1957	219		1949	79, 500		1957	167, 280
55.52-			69.05	1949	79	81.08	1951	83
55.54	1955	736	69.06	1945	156		1953	46
55.55	1955	736		1949	79	81.12	1949	31
	1959	37	69.07	1945	156	81.24	1951	86
55.56-			69.08	1949	79	81.26	1943	503
55.59	1955	736	69.14	1945	156		1945	142, 751
55.60	1955	736	69.15	1949	79		1947	162
	1959	37		1957	45		1953	36
55.61	1955	736	69.15(1)	1957	45	81.26(1)	1957	280
57.09	1947	49	69.16	1949	79	81.26(2)	1949	80
58.01	1945	108		1959	523		1953	36
58.04	1957	280	69.16(1)	1959	523		1955	355
58.09	1943	133	69.16(2)	1959	523		1959	587
	1953	56, 60, 61, 63	72.07	1943	373	81.31	1957	532
	1959	160	72.08-	1955	642	82.05,		
58.10	1947	47	72.14	1943	373	82.06	1949	81
	1959	537	72.15	1943	373	82.14,		
59.01	1951	654		1955	150, 642	82.16	1949	81
59.02(4)	1957	578	72.16	1943	373	82.26(2)	1949	80
59.09	1953	52	72.17,			83.11-		
			72.18	1943	373	83.20	1951	90
				1955	150			

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
83.28-			91.26,			97.061(3)		
83.38	1951	90	91.27	1947	420	(a)-(c)	1953	65
84.01	1959	325	92.032	1955	39	97.062	1951	97
84.07(3)	1959	325	92.05,			97.07	1949	82, 90,
85.01,			92.06	1955	39			95, 96,
85.07	1955	500	92.10	1955	39			120, 121
85.18	1953	55	92.29	1943	397	97.08	1949	82, 83,
	1955	500	95.02	1949	282, 322			90, 120,
85.19	1953	55		1953	243			121
86.01-				1957	779	97.081	1953	100, 101
86.04	1955	500	95.021	1953	243		1955	74, 116,
86.05	1955	500		1955	851			727, 922
	1959	402		1957	779, 936,		1957	603
86.06	1955	500			938	97.081(1)	1953	100
	1959	402		1959	401, 454	97.081(2)	1953	100
86.08	1955	500	95.021(1)	1957	779		1955	727, 922
87.01-			95.03	1951	93	97.081(2) (b)	24	
87.12	1943	134, 154,	95.07	1955	107	97.081(3)	1953	100
		401	95.08	1947	51		1955	922
	1947	28		1949	189	97.081(4)	1955	116
87.13	1943	134, 154,	95.09	1959	582	97.081(5)	1957	603
		401	95.10	1955	107	97.09	1949	82, 90,
	1945	157	95.11	1957	234			95, 96,
	1947	28	95.11(1)	1957	620, 936			120, 121
88.011-			95.11(5) (a)	1951	719	97.091	1957	136, 836
88.311	1955	269, 295	95.11(5) (d)	1943	228	97.12	1951	199
88.02	1953	59	95.37	1955	109	97.121	1951	100
88.031	1955	295, 947	97.01	1949	82, 83,		1955	116
88.04(7)	1955	64			90, 95,	97.131	1951	100
88.05	1953	59			120, 240	97.14	1949	82, 90,
88.05(1)	1953	59		1951	199			95, 96,
88.06	1953	59	97.011(6) (b)	1955	723			120, 121
88.061	1955	887	97.02	1949	80, 85,		1951	199
88.07	1953	59			96, 120	98.01	1943	144, 510
88.07(2)	1953	59	97.021	1951	113, 121,		1945	161, 162,
88.07(3)	1955	64			196			166, 167,
88.08	1953	59		1953	117			168, 187,
88.081	1957	313	97.021(1)	1953	117			191, 393
88.09	1953	59	97.021(2)	1953	117		1947	54, 62,
88.091	1955	269		1959	230			64, 65,
88.151	1955	295	97.021(3)	1953	117			69, 84,
	1959	144, 160	97.021(4)	1959	230			293
88.151(1), (2)	1955	269	97.03	1949	82, 86,		1949	89, 91,
88.151(2)	1959	160			95, 96,			92, 93,
90.01	1945	744			120, 121			94, 96,
	1949	204	97.031	1951	98, 100			203, 205,
90.05	1957	928		1957	684			625
	1959	125	97.04	1949	82, 83,		1951	165
90.07	1945	771			86, 95,	98.01(4), (5)	1945	771
	1949	74			96, 120,		1947	53
90.08	1945	728			121		1951	94
	1953	658	97.041	1951	96, 97,	98.01(6)	1949	205
90.14	1947	50			100, 101,	98.011	1951	102, 104,
	1949	422			103, 203,			111, 113,
	1953	38			470			115, 203
	1955	244, 637		1953	71, 72,		1953	73
	1957	880, 884			451		1957	573, 603,
	1959	125		1955	337			684
90.15	1947	50		1959	510	98.02	1949	89, 91,
	1953	710	97.05	1949	82, 95,			92, 94
	1955	637			96, 100,	98.021	1951	102, 104,
	1957	884			120, 121			111, 203
	1959	125	97.051	1951	97, 100,		1957	334
90.23	1945	118			470	98.031	1951	104, 114
	1955	249, 637	97.061	1949	82, 90,		1955	385
	1957	17, 880,			95, 96,		1957	684
		884			121	98.04	1949	89, 91,
90.231	1953	38		1951	785			92, 94
	1955	249, 637		1953	65	98.041	1951	102, 104,
	1957	17, 880,		1959	269			105, 108,
		884	97.061(1)	1959	269			111, 113,
	1959	332	97.061(2)	1953	65			115, 117,
90.231(1)	1959	332	97.061(3)	1953	65			173, 199,
				1959	269			203, 405

585

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
98.35	1949 87, 240	99.061(1)		99.161(9) (a)	1957 155, 798
98.351	1951 104, 117	(cont.)	1957 756	99.172	1951 132, 133,
	1953 78	99.061(2)	1953 119		135, 137,
98.36	1949 95, 96		1955 291, 453,		140, 154,
98.361	1951 104		288		159, 160,
	1955 385	99.061(3)	1951 120		161
98.371	1951 104		1953 35, 93		1953 83
98.381	1951 104, 105,		1955 291, 453,		1955 453, 530
	111, 115,		288	99.172(9), (13)	1953 83
	170, 203,		1957 756, 768	99.172(15)	1953 361
	405		1959 488, 534	99.18	1945 175
	1953 101	99.07	1845 161, 184		1947 77
98.39	1947 64, 65		1949 121		1949 102, 107,
	1949 95, 96	99.071	1951 128, 129		108
	1951 108		1953 35		1951 165
98.40	1949 95, 96,	99.10	1943 147, 151,	99.18(4)	1949 107
	134		157, 158,	99.19	1943 148
	1951 104		160		1949 102, 107
98.42	1943 138, 146		1945 171, 175,		1953 110
	1945 161, 164,		177, 179,	99.192	1951 104, 178,
	168, 176		180, 183,		630
	1949 89, 91,		387	99.20	1949 102
	92, 94,		1949 108, 141,	99.201,	
	113, 136		144, 595	99.202	1951 104, 178
98.43	1943 93		1951 165	99.211-	
	1949 156	99.102	1951 127	99.231	1951 104, 178,
98.47	1943 142		1953 87		630
99.01	1947 72	99.103	1955 723	99.24	1949 138, 543,
	1949 99, 182	99.11	1947 81		554
	1951 180		1949 103, 121	99.29	1945 173
99.011	1951 147	99.111	1953 87		1947 73
	1953 82		1955 731		1953 110
	1955 453	99.13	1949 141	99.34	1947 73
	1959 151	99.131	1951 151, 164	99.36	1943 148
99.02	1947 59, 72		1955 731, 743	99.37	1947 76
	1949 103, 231	99.15	1949 102	99.39	1943 137
	1951 180	99.16	1949 104	99.43	1949 121
99.021	1951 118, 121,	99.161	1951 132, 133,	99.44	1947 75
	120, 194		136, 137,		1949 107
	1953 90		141, 142,	99.48	1943 259
	1957 775		147, 151,		1945 412
	1959 510		152, 162,		1947 298
99.03	1947 73		197, 208	99.54	1949 102, 138,
	1949 102, 103,		1953 82, 83,		543, 554
	104, 152,		87, 88	99.57	1943 148, 150
	231		1955 448, 453		1947 77
99.03(2)	1949 104		1957 155	99.57(2)	1943 148
99.031	1951 98, 125		1959 151	99.60	1949 99, 106,
	1953 87, 90	99.161(1)	1951 140, 153		500, 501
	1955 573		1953 83	100.01	1943 147
99.04	1943 137	99.161(2)	1951 127, 140,	100.011	1955 890
	1945 192		144, 153	100.02	1947 77
	1947 72	99.161(2) (c)	1955 530	100.03	1949 109, 110,
	1949 115	99.161(2) (d)	1955 453		111
	1951 180		1957 155, 798	100.031	1955 743
99.041	1951 98, 118,	99.161(3)	1951 127, 153	100.04	1949 110
	123, 190		1953 88	100.05	1943 152
	1953 90, 91	99.161(3)(a)	1953 82		1947 78, 79
	1957 573, 768		1955 453		1949 111
99.051	1951 124	99.161(4)	1951 153	100.061	1951 196
99.06	1947 72	99.161(4) (a)	1951 145	100.07	1943 147
	1949 104		1957 798		1947 77
	1951 180		1959 151	100.081	1955 240, 385
99.061	1951 126, 128,	99.161(4) (b)	1951 144	100.091	1951 196
	129, 188,	99.161(5) -(7)	1951 153	100.10	1943 152
	196	99.161(7)	1957 798		1953 108
	1953 35, 82,		1959 151	100.11	1951 173
	91, 93	99.161(8)	1953 88		1953 108
	1955 453		1955 453	100.111	1951 167, 196
	1957 768	99.161(8)			1955 731, 860
	1959 151	(a)3	1951 163	100.111(6)	1955 860
99.061(1)	1953 119	99.161(9)	1951 163	100.121	1951 167
	1955 288		1957 798	100.13	1943 147
				100.14	1949 111

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
100. 18	1951	165	100. 342	1955	727	101. 15	1943	138
100. 201	1953	94, 100,	100. 35	1945	176		1945	75, 176
		101	100. 351	1953	94, 100,		1949	112, 113,
	1955	727			101			115
100. 211	1957	603		1955	727	101. 151	1959	123, 164
	1953	100, 101		1957	603		1955	743
	1955	727	100. 36	1945	161, 176	101. 151(5)	1953	110
	1957	603	100. 38	1951	182	101. 16	1943	138
100. 221	1953	100, 101	100. 40	1951	199		1945	75, 176
	1955	727	100. 42	1943	147, 152	101. 161	1953	94
	1957	603		1945	176	101. 17	1943	138
100. 231	1951	203		1951	173		1945	75, 176
	1953	101, 100		1953	108	101. 18	1943	138
	1955	727	100. 43	1945	176		1945	75, 176
	1957	603		1947	78		1951	123
100. 241	1951	203, 400,		1949	109, 111	101. 181	1953	94
		405		1951	182	101. 19	1943	138
	1953	96, 100,	100. 44-				1945	75, 176
		101	100. 46	1945	176		1949	112, 113,
	1955	74, 116,	101. 01	1949	112, 113,			115
		727, 922			114, 115,	101. 191	1951	164
	1957	136, 844,			121, 152		1953	94, 101
		603	101. 011	1953	101, 110	101. 24	1951	180
100. 241(1)	1953	96, 104	101. 011(2)	1953	110	101. 25	1951	190
	1957	844	101. 02	1949	112, 113,		1953	90, 91
100. 241(2)	1953	100			114, 115,		1955	743
100. 241(2) (a)-					116, 117,	101. 28	1955	419
(d)	1955	74			121, 137,		1959	259
100. 241(2) (d)	1955	116, 922			152, 209	101. 32	1953	94
	1957	603, 844	101. 03	1949	112, 113,		1959	259
100. 251	1951	203			115, 117,	101. 33	1951	181
	1953	100, 101			152, 584		1953	113
	1955	727	101. 04,			101. 34	1951	173
	1957	603	101. 05	1949	112, 113,		1953	108
100. 26	1951	173			115, 152		1957	396
100. 261	1953	94, 100,	101. 051	1953	65	101. 35	1953	108
		101		1959	269		1957	573
	1955	727	101. 06	1949	112, 113,	101. 36	1951	181
	1957	603			114, 115,		1953	94, 101
100. 271	1953	94, 100,			152		1955	743
		101	101. 061	1953	65		1959	259
	1955	74, 727		1959	269	101. 37	1951	181
	1957	603	101. 07	1945	131, 177	101. 47	1951	203
100. 281	1953	94, 100,		1947	81, 82,	101. 48	1951	405
		101			106		1953	65
		74, 116		1949	112, 113,		1959	269
	1955	727			115, 117,	101. 50	1957	146
	1957	136, 603			152, 593	101. 52	1953	65
100. 29	1947	77	101. 08	1947	106		1959	269
	1949	107		1949	112, 113,	101. 53	1951	181
100. 291	1953	100, 101			115	101. 61	1951	103
	1955	727	101. 10	1949	112, 113,	101. 62	1951	176, 178,
	1957	136, 603			115			203
100. 301	1953	100, 101	101. 11	1943	138		1953	106, 111
	1955	727		1945	75, 176		1955	275
	1957	603		1949	112, 113,	101. 63	1951	178, 203
100. 311	1953	100, 101			115, 139		1953	106
	1955	727	101. 111	1951	405		1955	275
	1957	603	101. 12	1943	138	101. 64	1951	178, 203
100. 32	1951	182		1945	75, 176		1953	106, 111
100. 321	1953	100, 101		1949	112, 113,		1955	275
	1955	727			115	101. 65	1953	106
	1957	603	101. 121	1951	180	101. 65(1)	1953	106
100. 331	1953	100, 101	101. 13	1943	138	101. 65(2)	1953	111
	1955	727		1945	75, 176	101. 67	1951	178
	1957	603		1949	112, 113,		1953	106
100. 34	1945	176			115	101. 68	1951	177
	1951	173, 182,	101. 131	1951	180	101. 71	1951	180, 181
		203	101. 14	1943	138	101. 71(1)	1957	614
100. 34(2)	1951	182		1945	75, 176	101. 71(2)	1957	573
100. 341	1953	100, 101		1949	112, 113,	101. 73	1951	114
	1955	727			115, 139	102. 01	1943	156
	1957	603	101. 141	1951	190		1949	28, 100,
				1953	94			124, 127,
								129, 139,
								141

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
102.01 (cont.)	1953 90	102.141	1951 177	102.30	1949 28, 122,
102.011	1949 121	102.15	1947 61		124, 126,
102.012	1955 337		1949 90, 136		127, 129,
102.02	1943 151, 156,	102.151	1955 731		593
	1945 157	102.16	1943 147	102.31	1943 140, 159
	1945 186		1949 139		1945 195, 198,
	1947 55	102.17	1945 186		200
	1949 136, 137,		1947 52, 55,	1947	84, 86,
	139, 141		56, 58,		87, 88,
102.021	1951 180		60, 503		89, 90,
	1953 108		1949 89, 91,		91, 95,
	1955 194		92, 94,		96, 108
	1957 556		95, 96,	1949	28, 124,
102.03	1949 121, 139		121, 133,		126, 127,
102.04	1949 112, 121,		134, 139		129, 135,
	139	102.18	1949 139		137, 144,
102.05	1943 151	102.19	1945 168, 187		330
102.051	1951 405		1947 52, 53,	1951	125
	1955 194		62	1949	121, 122,
102.06	1943 422		1949 89, 91,		139, 593
	1949 112, 121,		92, 94,	102.33	1943 153, 155
	139		100, 117,		1945 183, 199
102.07	1945 186, 194		139		1947 84, 87,
	1947 77, 82,	102.20	1945 187		90, 92,
	83		1949 89, 91,		94, 104
	1949 112, 121,		92, 94,	1949	28, 122,
	130, 132,		100, 118,		124, 126,
	133, 137,		139, 142,		127, 129,
	139, 142,		143		130, 139,
	144, 595	102.21	1943 145		330, 593
	1951 185, 187		1945 161, 168,	102.34	1947 93
102.07(2)	1943 156		189, 192		1949 28, 100,
102.07(3)	1945 163		1947 54, 65,		124, 127,
102.07(4)	1943 156		114		129, 136,
	1945 163		1949 89, 91,		137, 139,
	1947 83, 103		92, 94,		140, 141
	1949 125		100, 139,		
	1951 189		153	102.35	1953 90
102.08	1945 180, 192	102.21(12)	1945 187		1949 133, 139
	1949 112, 121,		1947 52		1951 190
	139	102.22,		102.351	1949 121
102.081	1957 556	102.24	1949 139	102.36	1947 84, 90,
102.09	1945 186, 187	102.25	1949 119, 139,		92, 94
	1947 55, 56,		499		1949 124, 126,
	58, 60,	102.26	1949 139		132, 137,
	113, 503	102.27	1943 140, 159		144
	1949 90, 95,		1945 195	102.37	1951 190
	96, 112,		1947 84, 85,		1949 139
	121		86, 95,	102.38	1943 152
102.10	1945 191		96, 108		1949 139
	1947 65, 503		1949 28, 84,		1951 165
	1949 112, 118,		124, 126,	102.39	1943 152
	120, 121,		127, 129,		1947 295
	136, 139,		132, 136,		1949 139, 140
	313		137, 141,	102.40	1945 192
102.11	1945 181		144		1949 139
	1949 112, 121,	102.28	1949 28, 124,	102.41	1949 139
	131, 138,		126, 127,	102.42	1947 52
	139, 145,		129		1949 138, 139,
	543, 554	102.29	1943 154, 155		543, 554
102.12	1945 181, 191		1945 186	102.43	1949 139
	1947 503		1947 77, 84,	102.44	1945 186
	1949 112, 118,		96, 108		1947 94, 110
	120, 121,		1949 28, 122,		1949 121, 122,
	130, 131,		124, 126,		139, 593
	136, 139,		127, 129,	102.45	1951 630
	313		137, 139,		1947 75
102.13	1949 112, 120,		144, 593		1949 139
	121, 131,		1951 121, 165	102.46	1949 139, 140
	136	102.29(1)	1945 197, 199	102.47	1949 139
102.14	1947 61		1947 87, 92,	102.48	1943 151, 157,
	1949 90, 112,		94		158, 159,
	120, 121,	102.291	1949 121, 130,		160
	130, 131,		137, 144		177, 179,
	136	102.292	1949 138		180, 183,
					186, 387

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
102. 48 (cont.)	1947	96, 108, 109	102. 71	1947	99, 100, 101	103. 111(2) (cont.)	1955	318, 511
	1949	84, 136, 137, 138, 139, 141, 144	102. 71(1)	1949	121		1957	599
	1951	196	102. 71(2)	1947	99, 101	103. 111(3)	1959	460
102. 49	1949	139	102. 71(3)	1947	99, 100, 101		1951	189, 193, 194
	1951	124	102. 72	1943	156		1953	116
102. 50	1949	139, 141		1947	99, 100, 101	103. 111(4)	1955	511
102. 51	1945	192		1949	28, 121, 124, 127, 129, 130, 133, 137, 140, 144, 176, 595	103. 12	1957	155
102. 52, 102. 54	1949	139	102. 72(2)			103. 121	1951	187
102. 55	1945	178, 184	102. 72(4)				1949	150
	1947	97, 98	102. 73	1947	99		1951	142, 186, 187, 188, 194, 197
	1949	103, 104, 134, 138, 231, 543, 554	102. 73(1), (4)	1949	100, 129, 144, 595	103. 121(1)	1953	116
102. 56	1949	123	103. 01	1949	84	103. 121(1) (f)	1951	116
102. 56(1)	1945	187, 197	103. 011	1949	152	103. 121(2)	1957	194
102. 561	1949	123, 136, 137, 141	103. 02	1951	154, 164, 208	103. 121(4)	1957	569
102. 561(2)	1949	123	103. 021	1945	417	103. 121(9)	1951	186, 190
102. 57	1943	149, 154	103. 021	1951	154, 164, 208	103. 121(10)	1951	193
	1945	193, 194, 195	103. 021(1)	1959	721	103. 14	1947	111
	1947	85, 92, 95, 96, 98, 108	103. 021(2)	1959	721	103. 17	1949	147, 203
	1949	121, 123, 124, 136, 137, 141, 589	103. 021(3)	1959	721	103. 21	1953	104
102. 59	1943	154	103. 03	1947	111, 112, 113, 114, 116, 117	104. 061	1949	150
	1947	85, 92, 95, 96, 98, 108		1949	147, 148, 149, 150, 152, 153	104. 071	1947	78
102. 60	1949	121	103. 031	1951	154, 208	104. 071(3)	1949	106, 153
102. 61	1947	98	103. 04	1947	111, 114, 116, 117	104. 091	1951	132, 133, 137, 154
	1949	121, 124, 127, 589		1949	147, 148, 149, 150, 152, 153	104. 27	1959	151
102. 62	1951	133	103. 05	1953	104	104. 27(1), (2)	1953	83
	1945	194		1945	185	104. 31	1953	83
102. 63	1947	81		1947	111, 112, 113, 114, 116, 117	104. 31(1) (c)	1955	574
102. 64	1949	121, 124, 127, 589		1949	147, 148, 149, 150, 152, 153	104. 36	1955	574
	1951	133		1953	104	104. 37	1957	599
102. 65	1945	194		1945	185	104. 371	1951	154
102. 66	1947	81, 98		1947	111, 112, 113, 114, 116, 117	104. 372	1955	530
	1949	90, 92, 94		1949	146, 147, 148, 149, 150, 152, 153	104. 381	1959	151
	1949	121, 124, 126	103. 06	1945	200, 415	104. 39	1955	530
102. 67	1951	190		1947	111	104. 40	1951	201, 202
	1943	153		1949	85, 147, 148, 149, 150, 153	104. 42	1953	117
	1945	199		1953	101, 104	104. 44	1959	346
102. 68	1947	90, 92	103. 07	1945	415		1955	524
102. 69	1949	124, 126, 132	103. 081	1945	415	110. 01-	1951	154, 208
	1951	190	103. 09	1957	569	110. 14	1951	199
	1947	101	103. 10	1949	153	110. 03	1951	105, 109, 115, 173, 203, 405
	1945	197		1949	113, 150, 152, 153	110. 03(2)	1953	101, 119
	1947	90, 92	103. 101	1953	526	110. 05	1955	445
	1949	124, 126, 132	103. 101(1), (2)			110. 06(2)	1955	541
102. 70	1943	140	103. 111	1953	526	(k)	1955	548
	1945	197		1951	185, 187	110. 09(1)	1955	643
	1947	92		1953	87, 90, 116	110. 10	1955	541
	1949	28, 124, 126, 127, 129, 136, 137, 141	103. 111(2)	1955	318, 511 155, 599 194	110. 10(1), (2)	1955	541
				1953	91, 116	110. 13(4)	1955	601
						110. 14	1955	601
						112. 01	1943	161
							1945	771
							1949	625

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
112. 01 (cont.)	1951 785	112. 10 (cont.)	1951 419, 684	115. 12	1943 168
	1959 510		1955 131		1945 223, 224,
112. 02	1947 119, 121,		1957 41		226
	449	112. 11	1951 419, 684		1951 211
	1949 154, 155,		1955 131	115. 13	1943 168
	445	112. 12	1951 684		1945 220, 222,
	1955 505, 700,		1959 438		223, 224,
	770	112. 13	1951 684		226
	1957 411, 518	112. 14	1949 155, 539,	115. 14	1943 166, 168
	1959 601		543, 545,		1945 222, 223,
112. 03	1947 119, 121,		547, 554,		224, 226
	449		555		1947 129
	1949 445		1951 684		1951 211, 212
	1955 770		1955 131	115. 15	1943 168
112. 04	1947 119	113. 01	1943 162		1945 222, 223,
	1955 770		1947 127		224, 225,
112. 05	1945 205, 207,		1953 122		226, 266
	208, 209,	113. 04	1943 165		1949 144, 156,
	210, 211,	113. 07	1943 163		158, 450,
	212, 213,		1945 217		595
	214, 215,		1947 126, 128		1951 211
	216		1955 756		1955 171
	1947 121, 122	114. 01	1945 217, 218	115. 16	1949 156
	1955 11, 46,		1949 416, 418	116. 01	1943 422
	324, 443,		1951 54, 118,		1945 762
	650, 776		223	116. 03	1949 159
	1957 134, 149,		1953 566		1951 248, 424
	212		1959 510		1953 162
112. 06	1943 404, 457	114. 01(4)	1949 28, 124,		1955 551
	1945 135, 206,		127, 129,		1957 429
	237, 472,		155		1959 131, 459
	591, 595,		1951 194	116. 04	1949 159
	623		1955 240		1955 551
	1955 193, 307	114. 01(6)	1949 28, 124,	116. 05	1955 551
	1959 696		127, 129	116. 06	1955 551
112. 06(1)	1945 135, 148,	114. 04	1945 218, 219	116. 07	1943 111, 177
	206, 226,		1947 127		1955 551
	366, 472,		1949 28, 124,	116. 08	1943 177
	591, 594,		127, 129		1955 551
	595, 623	115. 01	1951 211	116. 09	1955 551
112. 061	1949 115	115. 03	1943 165	116. 10	1945 230, 231
	1953 80, 355,		1949 156		1947 130
	489, 499	115. 06	1951 211		1949 160, 161
	1955 146, 193,	115. 07	1947 128, 129,		1951 215
	200, 265,		359		1957 311
	307, 406,		1949 158		1959 520
	635, 729,		1951 212	116. 11	1943 121
	830		1953 655	116. 12	1943 369
	1957 249, 353,		1959 607		1945 227, 228,
	483, 639,	115. 08	1943 168		229, 230
	845		1945 220, 223,		1947 130, 131
	1959 542, 549,		226, 611		1949 159
	646, 696		1949 144, 156,		1951 508
112. 061(1)	1955 307		158, 450,	116. 13,	
	1957 483, 639		595	116. 14	1943 171, 512,
	1959 622		1951 211, 212		513
112. 061(3)	1955 200		1959 133		1955 878
112. 061(4)(a)	1957 639	115. 09	1943 168, 169,	116. 16	1945 228
112. 08	1943 161		170, 171,		1947 130
	1949 155, 529,		255		1949 159
	539, 543,		1945 221, 222,		1951 508
	545, 547,		223, 226		1953 125
	554, 555		1947 129	116. 17,	
	1951 419, 684		1951 212	116. 18	1945 228
	1955 131		1953 655	116. 19	1945 228
	1959 438, 502		1959 133		1947 130
112. 09	1943 161	115. 10	1943 164, 168,		1951 508
	1949 155, 539,		169	116. 20	1945 227, 228
	543, 545,		1945 222, 223,		1947 130, 131
	547, 554,		226		1949 159
	555	115. 11	1943 164, 168		1951 508
	1951 419, 684		1945 223, 224,	116. 21	1947 33
112. 10	1943 161		226		

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
117. 01	1947 133	121. 10 (cont.)	1959 233	122. 05	1955 322, 425,
	1949 162, 163	121. 13	1951 420		455, 487,
117. 02	1943 173		1953 127, 130		515
	1949 162	121. 14	1947 135, 169	1957	230, 308,
	1955 154		1949 167		584
117. 04	1949 567		1953 128, 159,	122. 05(1)	1957 584
117. 07	1947 132		163, 404	122. 05(3)	1957 584
	1957 703		1955 516, 776	122. 06	1955 322, 425,
117. 08	1957 703	121. 14(1)-(3)	1955 487		455, 487,
119. 01	1945 717	121. 15	1949 167, 168		515
	1947 134, 418	121. 16	1945 215	1957	230, 308
	1949 165		1955 576	1955	322, 425,
	1951 120, 216,	121. 17	1945 215		455, 487,
	217, 379,		1947 137		515
	588		1955 576, 650		230, 308,
	1953 126, 534	122. 01	1955 322, 425,		555, 803
	1955 588, 849		455, 487,	122. 07	1955 322, 425,
	1957 189, 316,		515, 534,		455, 487,
	590, 680,		714		515
	817		1957 32, 55,	122. 08	1957 230, 308
	1959 393, 519,		127, 230,		322, 425,
	619		308		455, 487,
119. 02	1953 543		1959 33		515, 517,
	1957 817	122. 01(1)	1955 534		562, 735,
119. 03	1951 658	122. 01(3)			772, 958
	1957 286, 316,		1957 32, 134,	1957	230, 300,
	338, 680		308, 758		308
	1959 619	122. 01(4)	1957 308		92
120. 07-		122. 02	1955 322, 425,	122. 08(1)	1955 562
120. 17	1955 586		455, 487,		92
120. 10-			488, 515,	122. 08(2)	1957 308
120. 17	1955 286, 528		534, 537,	122. 08(2) (b)	1959 601
121. 01	1949 168		735	122. 08(3)	1957 134
	1953 131		1957 55, 127,	122. 08(4)	1955 455, 487,
121. 02	1947 136, 433		230, 308,		735
	1949 168		519		134, 300
	1951 211, 218		1959 25, 33,		92, 233
	1953 4, 131,		47, 267	122. 08(8)	1955 772
	462	122. 02(1)	1955 425, 542,		75
	1955 1		700		517, 534
121. 02(1)	1945 207, 215		1957 519, 555,	122. 09	1957 230, 308,
	1947 136		584, 718,		404
121. 02(3),			803, 833,	122. 10	1955 322, 425,
(4)	1947 136		841		455, 487,
121. 02(5)	1949 167		1959 44, 541,		515, 562,
121. 03	1949 168		601, 611,		735
	1953 131		748		1957 230, 308
	1955 714	122. 02(1)-(3)	1959 33, 267		1959 75
	1957 55	122. 02(2)	1957 758	122. 11	1955 322, 425,
121. 04	1953 4, 131	122. 02(3)	1955 735		455, 487,
	1957 230		1957 584		515
121. 041	1953 4	122. 02(4)	1955 806		1957 230, 308
	1957 584	122. 02(4) (a)	1959 25	122. 12	1955 322, 425,
121. 05	1949 168	122. 02(5)	1957 584		455, 487,
	1955 455		1959 611		515
	1957 308	122. 03	1955 322, 425,		1957 22, 230,
	1959 92		455, 487,		308
121. 05(3)	1957 308		515, 714,		1959 233
121. 05(4)	1955 455		735, 958	122. 13	1955 322, 425,
	1957 308		1957 41, 230,		455, 487,
121. 05(5)	1957 308		300, 308		515
121. 05(6)	1957 308		1959 25, 748		1957 230, 308,
121. 05(7)	1957 308	122. 03(2)	1955 562, 714		538
121. 05(8)	1957 308		1957 300	122. 14	1955 322, 425,
121. 06	1955 562		1959 25		455, 487,
121. 07	1945 215	122. 03(3)	1955 714		515, 623
	1949 168		1957 300		1957 230, 308
	1955 517, 534	122. 03(8)	1957 919	122. 15	1955 322, 425,
	1957 404	122. 04	1955 322, 425,		455, 487,
121. 08	1949 167		455, 487,		515
	1951 267		515		1957 22, 230,
	1953 130, 462		1957 230, 308		308
121. 10	1949 168		1959 23, 47,		1959 75
	1953 130		611		

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
122. 16	1955	322, 425, 455, 487, 515, 534, 645, 776	123. 14	1957	587	125. 08 (cont.)	1949	
			123. 15	1957	587	(cont.)	185, 187,	
			123. 16	1957	587		188, 230,	
	1957	3, 230, 308, 519, 833	124. 01	1949	88, 169		291, 381,	
			124. 01(2)	1949	100, 129		385, 392,	
			124. 03	1943	111		393	
	1959	110	124. 04	1947	63		1951	226, 228,
122. 16(1) (d)	1955	534		1949	88, 169		230	
122. 17	1955	322, 425, 455, 487, 515	125. 01	1943	155, 180,		1953	150, 415
					183		1955	99, 664
	1957	230, 308		1945	111, 124, 234, 237,		1957	102, 443,
122. 18	1955	322, 425, 455, 487, 515, 576, 650			312	125. 081	1955	256
	1957	230, 308, 718		1947	144, 147	125. 10	1949	72
	1959	23, 611, 748		1949	28, 124, 127, 129, 170, 171, 173, 176, 179, 330, 393	125. 15	1957	710
122. 19	1955	322, 425, 455, 487, 515			170, 171, 173, 176, 179, 330, 393	125. 16	1943	183
					364		1945	237
	1957	230, 308		1955	396, 711,		1949	173, 176,
	1959	322, 425, 455, 487, 515		1957	930		1955	647
122. 20	1955	322, 425, 455, 487, 515	125. 01(1)	1959	39, 461,	125. 161	1953	144
					582		1955	239, 647
	1957	230, 308		1945	236	125. 161(1)	1957	265
	1959	230, 308		1949	181	(c)	1955	239
122. 21	1957	230, 308		1957	357, 396, 930	125. 161(1)	1955	239
122. 21-	1957	230, 308		1959	199	(d)	1957	265, 726
122. 22	1959	33	125. 01(3)	1945	238	125. 161(2)	1957	726
122. 23	1957	230, 308, 538	125. 01(4)	1951	59, 236	125. 161(4)	1943	110, 111
122. 23(3)	1957	538		1957	710	125. 17	1949	37, 189
122. 23(5)	1957	538		1943	183	125. 22	1957	930
122. 24	1957	230, 308		1945	540	125. 221	1955	624
122. 25	1957	230, 308		1949	174, 175, 180, 186	125. 23	1943	456
122. 26	1957	230, 308			151, 174	125. 23-	1945	232
122. 27	1957	230, 308	125. 01(5)	1953	911	125. 29	1955	449
122. 28	1957	230, 308		1955	39	125. 24,		
122. 28	1959	92		1959	236	125. 25	1943	456
122. 29	1957	230, 308	125. 01(12)	1945	181		1945	232
122. 30	1957	230, 308		1949	375	125. 26	1943	179, 456
122. 30(3)	1957	489	125. 03	1957	58, 619		1945	232
	1959	33		1940	570		1949	286
122. 30(4) (a)	1959	267		1959	238, 239,	125. 27,	1955	449
122. 30(4) (b)	1959	267		1945	240	125. 28		
122. 30(6)	1957	489		1947	162, 165		1943	456
122. 30(8)	1959	33		1949	53, 184,	125. 29	1945	232, 246
122. 31	1957	230, 308			189		1943	456
122. 32	1957	230, 308		1951	58, 59, 232, 236,	125. 30	1953	136
122. 33	1957	230, 308			532	125. 31	1957	729
123. 01	1957	587		1957	26, 630	125. 311		
123. 02	1955	623, 958	125. 04	1959	218	125. 35,		
	1957	587		1945	238, 239, 240	125. 36	1949	172, 175,
123. 03	1957	560, 587			162, 165			177
123. 03(3)	1957	584		1947	53, 99,		1951	228, 230
	1959	94		1949	173, 182, 189		1953	147
123. 04	1955	623			58, 232,	125. 37	1955	242
	1957	560, 587		1951	235, 236,		1957	79
123. 05	1957	587			532		1949	177
123. 06	1955	958		1957	224	125. 38	1953	147
	1957	560, 587		1959	218, 641		1949	177
123. 07	1957	587	125. 07	1949	181, 194, 458	125. 42	1959	126
123. 08	1955	776			242	125. 44	1953	345
123. 09	1957	587	125. 08	1945	143, 144	125. 45	1951	53, 241
123. 10	1957	587		1947	169, 170,	125. 45(c)	1955	892
123. 11	1957	587		1949	171, 173, 179, 183,	125. 45(1) (e)	1957	400
123. 12	1957	560, 587				125. 45(2) (c)	1955	787
123. 13	1957	560, 587				125. 45(2) (g)	1957	741
							1957	8

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
125.45(2) (h)	1955 892	134.05 (cont.)	1959 92	138.02	1959 176
125.51-		134.05(3)	1957 308	138.03,	
125.53	1953 163	134.05(4)	1955 455	138.04	1955 338, 595
127.01	1959 275		1957 308	138.06	1959 176
127.01(2)	1959 275	134.05(5)	1957 308	138.10	1959 116
128.01,		134.05(6)	1957 308	138.11	1959 151
128.02	1943 111	134.05(7)	1957 308	139.01	1949 393
128.03	1943 111	134.05(8)	1955 772	142.01	1943 175
	1949 187		1957 308		1947 158
128.04,		134.07	1949 193, 318		1949 190
128.05	1943 111		1955 517, 534		1953 137
128.06	1943 111		1957 404	142.03	1945 310
	1949 189	134.08	1949 167	142.04-	
128.07	1943 111		1953 130	142.07	1947 50
128.08	1943 111		1957 32		1953 710
	1949 189	134.09,		142.09	1943 188
129.01	1943 111	134.10	1953 130		1945 141
	1945 250	134.11	1945 262		1949 58, 621,
	1955 14		1947 168		620
129.02	1945 250	134.13	1953 130		1953 691
	1955 14	134.14	1947 166, 169	142.10	1943 188
	1959 542		1953 128, 138,		1949 620
129.02(2)	1951 239, 240		159, 168	142.11	1949 630
129.02(6)	1959 542		1955 776		1951 247
129.03	1943 170, 184	134.14(1), (2)	1955 487		1953 28, 691
	1945 248, 250	134.15	1949 167	142.13	1949 630
	1949 170, 190,	134.16	1945 424		1951 247
	615	134.17	1945 424	142.14	1947 158
	1955 449		1947 137	143.01	1949 194
129.03(3)	1953 137		1955 576		1957 312,
129.05	1943 181, 184,	134.18	1957 32		
	185, 268	134.18(3)	1953 163	144.01	1943 119
	1945 248, 249,	135.01	1943 175, 207		1945 125
	250, 261		1945 251		1947 40
	1949 170, 179,		1947 547	145.01	1943 214, 215
	190, 394		1949 30, 193,		1945 252, 256,
	1955 449		194 194		257
129.06	1943 207		1953 164		1947 155, 157,
	1951 239		1957 78, 516,		159, 167,
	1953 156		692		199
129.06(1)		135.02	1945 251		1949 40, 195,
(a)-(c)	1951 240		1949 30, 193,		197
129.06(2) (d)	1957 892		194 194, 556		1951 248, 249,
129.06(3) (a)	1957 52		1953 164		250, 254,
129.06(3) (b)	1957 52		1957 692		424
129.07	1959 176	136.01	1943 103, 186,		1953 162, 167,
129.08,			187		169, 170
129.09	1955 657		1949 194		1955 124, 694,
	1957 39		1951 246, 255		730, 756
130.10	1955 14		1957 144		1957 447
130.11	1959 668		1959 216, 668		1959 10
130.12	1943 323	136.02	1943 186, 187	145.02	1945 255, 257
	1949 192		1945 372		1947 159, 167
134.01	1947 166		1949 194		1949 40, 197,
	1953 131		1959 216, 513,		230
134.02	1945 424		668		1951 248, 249,
	1951 218, 243,	136.02(1)	1959 216		250, 252,
	244	136.02(2)	1959 216		254
	1953 131, 138,	136.03	1951 255		1953 29, 169
	158, 159		1959 668		1955 124, 372,
	1955 1	136.04	1959 216		660, 685,
134.02(1)	1955 542	136.05	1955 682		694, 730,
134.03	1945 424	136.06	1947 154		756, 383,
	1949 192		1955 682		912
	1953 131		1959 216		1959 10, 542,
	1955 714	136.07	1959 216		657, 752
134.04	1947 168	136.08	1951 255	145.03	1943 210
	1949 192	136.09	1959 216		1945 252
	1953 131, 158,	137.01	1947 133		1947 155, 159
	168		1951 82		1949 40, 195
	1957 230	137.03	1947 126		1951 248, 249,
134.05	1949 193, 318	137.59	1945 482		250, 254
	1955 455, 772	138.01,			1953 29, 170
	1957 308	138.02	1955 338, 595		1955 747

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
145.03 (cont.)	1957	447, 648	155.05	1945	261	175.01 (cont.)	1955	861
	1959	459		1949	201, 250	175.02,		
145.04	1947	155, 159		1953	173	175.03	1955	861
	1949	40		1955	14		1957	659
	1951	248, 249,	155.12	1955	14	175.04	1951	267
		250, 254		1957	361		1953	189
145.05	1945	256	155.16	1953	174		1955	861
	1947	151, 155,		1959	39	175.04(2)	1953	189
		159	155.20	1953	174		1955	861
	1949	39, 40,	165.01	1949	204	175.05	1947	247
		167, 195,	165.03	1947	171		1949	210
		196, 230,	165.04	1947	171		1951	268, 271,
		365, 599		1949	204			272
	1951	248, 249,		1959	768		1953	189, 191,
		250, 254,	165.06	1949	204			194, 202
		255	165.12	1949	205		1955	861, 933
	1955	124, 694,	165.13	1945	263, 737		1959	634
		705, 730,	165.19	1953	185	175.06	1951	268
		747, 756		1959	76		1953	191, 194
	1957	648	165.191	1959	76	175.07	1951	268
	1959	10	165.25	1955	46		1953	194
145.06	1949	76	165.26	1949	203		1959	634
145.07	1949	195, 230		1957	96	175.08	1953	194
	1955	14, 694	165.27	1957	96	175.09	1951	268
146.01	1943	189	165.28	1949	203		1953	181, 191,
	1949	49, 198		1955	138			194
	1951	255		1957	96	175.10	1953	194
	1953	171	166.03	1957	201	175.11	1951	271
146.02	1943	189	166.11	1955	315		1955	215
	1949	199, 337	167.03	1955	839		1957	659
	1951	255	167.09	1957	925		1959	301, 634
146.03	1943	189	167.21	1951	760	175.11(1)	1955	215
	1949	199, 337	167.22	1955	711		1957	612
146.04	1943	189	167.28	1959	219		1959	301
	1949	49, 198	167.29	1957	858	175.11(2)	1955	215
	1953	171	167.43	1943	338		1959	573
	1957	559		1955	839	175.15	1949	210
146.05	1943	117, 189	167.431	1945	263, 737		1951	271
146.06	1943	189		1953	181		1957	612
	1953	171		1955	66, 73,		1959	301
	1955	892			588, 856	175.161	1959	573
146.07	1943	189		1957	125, 272	175.18	1949	210
	1953	171	167.432	1957	272, 303	175.19	1951	268
			167.61	1947	171		1959	533
150.01	1949	199		1959	454	175.22	1951	271, 272
	1957	592	167.72	1943	199	175.26	1951	272
150.02	1949	199		1951	261		1953	194
150.03	1949	199		1953	220	175.27	1951	272
150.04	1949	199	167.75	1949	397	176.02	1949	211
150.05	1949	199	168.01-			176.24	1955	655
150.06	1949	199	168.04	1959	76	177.01	1957	118
	1957	592	168.02	1949	209	177.02	1945	266
150.07	1949	199	168.03	1945	265, 737		1947	464
150.08	1949	199		1947	172, 593		1949	458
	1957	592		1951	265		1957	118
150.09	1949	199	168.07	1953	188	177.05	1957	312
150.10	1949	199		1955	95, 655	177.06	1957	373
154.01	1949	200	168.14-			177.07	1957	312
	1955	687	168.18	1955	954	177.10	1945	265, 266
	1957	729	169.06	1959	255		1955	388
154.02	1947	429	169.10	1959	255		1957	373
	1953	153	169.11	1959	255		1959	199
	1955	687	170.09	1959	71	177.14	1957	373
	1957	729	171.01	1949	211	180.06	1957	729
154.03	1945	258	171.04	1943	193	180.13	1951	274
	1955	1		1947	173	180.16	1957	729
154.04	1945	259, 579	171.05	1943	193	182.13,		
	1955	1, 687		1947	173	182.14	1949	312
154.05	1945	579	174.05	1959	362	182.18	1945	266
	1955	1, 687	174.06	1959	362	182.21	1949	312
155.04	1945	261	174.09	1959	362	182.23	1951	275
	1949	150, 201,	175.01	1949	210		1953	194
		250		1951	271, 272	183.14	1953	251
	1953	173		1953	189, 194		1957	561

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
185. 01	1959	290, 412	192. 04 (cont.)	1947	195, 221,	192. 06(3)		
185. 02	1959	412			274	(cont.)	1957	73, 142,
185. 03	1959	290, 412		1949	20, 213,			355, 827,
185. 04	1959	412			233			873
185. 05	1959	412		1951	355		1959	48, 591
185. 06	1957	659		1953	217	192. 06(4)	1937	797
	1959	412, 730		1955	51, 138,		1947	117, 185
185. 06(1)	1959	730			595, 705,		1953	214
185. 06(2)	1959	730			767		1959	614
185. 06(8)	1959	730		1957	156, 217,	192. 06(6)	1947	177
185. 061	1959	412			218, 223,	192. 06(7)	1945	289
185. 07	1953	202			269, 270,		1947	176
	1959	290			452, 635		1953	308
185. 07(2)	1959	290		1959	112, 140,	192. 06(8)	1943	195
185. 08	1953	202			178, 454	192. 06(10)	1951	282
	1959	290, 634	192. 05	1945	298		1957	765
185. 09	1955	933		1959	180		1959	766
185. 16	1957	659	192. 06	1943	206	192. 07	1951	281
185. 16(2)	1959	290		1945	270, 274,	192. 08	1947	182, 183
185. 161	1959	412			276, 277,		1949	221
185. 162	1959	412			289, 354,		1951	448
185. 18	1959	412			662		1953	182
185. 19	1957	659, 726		1947	177, 183,		1957	529, 696
	1959	412			184, 185,	192. 10	1947	182, 183
185. 191	1959	412			187, 190,		1955	686
185. 20	1957	726			191, 272,		1957	529
185. 21	1959	412			625	192. 11	1947	177
185. 221	1959	412		1949	213, 214,		1953	308
185. 23	1959	412			215, 216,	192. 111	1957	269, 646
185. 231	1959	412			219, 220,	192. 112	1957	269, 646
185. 232	1959	412			222, 223,	192. 113	1959	166
185. 24	1959	412			224, 225,	192. 12	1945	282, 283,
185. 25	1959	412			226, 247,			284, 285,
185. 27	1959	412			514			777
185. 29	1959	412		1951	276, 277,		1947	196
185. 30	1959	412			280, 281,		1949	213
185. 31	1953	202			284, 434		1951	261, 288,
	1959	412		1953	208, 209,			290, 350
185. 32	1953	202			212, 219,		1955	393
	1959	412			224, 228		1957	773, 780
185. 33	1959	412		1955	108, 120,	192. 121	1951	355
185. 34	1959	412			552, 604,	192. 13	1947	196
185. 35	1959	290			767, 787,		1949	286
186. 0182(3)	1957	676			909		1953	210
186. 50	1959	397		1957	14, 33,		1957	411
186. 51	1959	397			73, 150,		1959	482
186. 52	1959	397			170, 179,	192. 14	1945	286
186. 56	1959	397			182, 197,		1947	194
192. 01	1945	279, 295,			243, 355,		1949	213, 218,
		296, 324,			452, 561,			285, 286
		334, 633			696, 720,		1953	217
	1947	175, 274			932		1957	773, 906
	1949	83, 113,		1959	48, 111,	192. 15	1945	288
		253			121, 562,		1953	217
	1951	306			649, 653,		1957	571
	1955	767, 839			693, 767	192. 16	1943	197
	1957	42, 64,	192. 06(1)	1947	182		1945	282, 283,
		156, 263,		1951	432			287
		807		1953	407		1953	220, 224
	1959	112, 470		1957	546		1955	393
192. 02	1947	218, 243,		1959	525, 653	192. 16(1)	1957	449
		274	192. 06(2)	1943	196	192. 16(3)	1957	571
	1953	251		1947	190		1943	197
192. 02(5)	1955	420		1957	546, 696,	192. 18	1951	261
192. 03	1945	296			925	192. 19	1943	198
	1951	309		1959	88, 525,		1947	194
	1955	839			562, 653		1951	286
	1957	90, 233,	192. 06(3)	1947	185, 186,		1959	711
		589			188	192. 201	1955	273, 427,
192. 04	1943	206		1949	223, 226			444
	1945	276, 284,		1953	212, 214,	192. 21	1943	196, 200
		288, 296,			228		1945	268, 293,
		298, 334,		1955	108, 552,			310, 322,
		633			787			329, 458

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
192. 21 (cont.)	1947	179, 221	192. 381	1953	239	193. 12 (cont.)	1959	140
	1949	214, 216, 217, 225, 229, 239, 251	192. 39	1943	217, 220	193. 13	1957	367
				1949	241	193. 14	1955	442
	1951	284, 286, 290, 297, 298	192. 45	1945	270, 291	193. 15	1951	297
				1949	221	193. 16	1959	454
				1949	241	193. 17	1949	187
	1953	215, 220, 226, 228, 235	192. 47	1945	275		1955	158, 620
			192. 48	1949	221		1957	316
			192. 50	1945	221		1959	619
	1955	51, 62, 111, 138, 158, 393, 420, 442, 620, 653, 686, 767, 851	192. 52	1947	201	193. 18	1953	152
				1949	222	193. 19	1945	295
				1957	696		1959	691
			192. 54	1947	234	193. 20	1945	297, 307
				1949	290, 294, 345		1951	302
				1951	312		1955	158
			192. 55	1945	75, 284	193. 201	1957	316, 934
				1949	213	193. 201(5)	1959	737
	1957	101, 418, 529, 581, 635	192. 56	1957	449	193. 21	1945	307
			192. 57	1955	72		1957	635
	1959	80, 82, 140, 178, 454, 734		1945	288, 330, 483	193. 22	1949	103, 214, 231, 233, 237
				1947	206		1951	297, 298
192. 24	1945	294	192. 58	1953	217		1957	534
192. 27	1953	182	192. 59	1949	225	193. 221	1959	539
192. 29,					215, 216, 226	193. 221(1)	1957	534
192. 30	1947	193		1957	100	193. 221(2)	1957	534
192. 31	1947	193	192. 60	1951	291	193. 23	1947	220
	1951	297		1957	100		1957	635
	1955	710, 751	192. 61	1957	243	193. 25	1945	299, 301, 304
	1957	418	193. 02	1949	230, 250		1947	204
192. 33	1943	195		1953	152		1949	228, 231
192. 35	1943	217, 220		1957	2, 289		1951	298
	1945	269, 270, 271, 272, 275, 319, 456	192. 03	1943	185, 207, 208, 267, 268		1955	653, 782, 852
				1945	279, 324		1957	218, 223, 418, 590, 661
	1949	217, 241		1959	504		1959	140, 711
	1953	352	193. 03(4)(a), (c), (d)	1943	267		1945	304
192. 351	1957	148	193. 04	1943	217	193. 27	1947	206
	1955	746		1945	274, 308, 319		1949	228
192. 352	1957	148, 936			199		1957	661
		100, 148, 936		1947	938		1959	711
192. 353	1957	148, 936		1957	217	193. 29	1945	301, 304, 308
192. 36	1943	217, 220	193. 05	1943	217		1947	203, 204
	1947	211		1945	274, 308, 319		1955	653, 782, 852
	1949	241			199		1957	590
	1953	241, 352		1947	199		1955	653
	1957	148, 936	193. 06	1955	442, 460		1959	504
192. 37	1943	217, 220		1957	367	193. 30	1943	338
	1949	217, 241	193. 08	1945	306	193. 31	1945	322
	1953	352	193. 09	1955	44	193. 32	1949	235, 392
	1957	100, 148	193. 10	1951	304, 309		1951	297, 498
192. 38	1943	201, 202, 217, 296		1955	839		1953	156
			193. 11	1957	90		1955	14, 66, 217
	1945	268, 269, 273, 275, 291		1943	338		1957	110
				1945	279, 296, 324		1951	286
	1947	214			232		1945	304
	1949	213, 217, 221, 241		1947	216, 233	193. 32(3)	1955	751
				1951	283	193. 37	1945	303, 341
	1951	305, 448		1953	228	193. 39	1947	276
	1953	215, 239, 243, 352		1955	442, 460	193. 391	1949	224
			193. 11(3)	1957	367, 590	193. 40	1955	686, 767
	1955	126, 217	193. 111	1957	223, 367		1957	561
192. 38(1)	1957	148		1953	156		1959	24, 539
(a)				1957	2, 862		1949	225, 226, 241
192. 38(1)	1943	205	193. 111(1)	1957	737, 862		1955	595
(c)			193. 12	1945	332			
192. 38(1)	1955	217		1949	233	193. 41		
(d)				1955	620			
	1943	205		1957	418, 449			

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
193. 41 (cont.)	1957	581	193. 67 (cont.)	1959	140	194. 45 (cont.)	1949	239, 240,
193. 43	1957	871	193. 69	1949	20			241
193. 44	1945	762	193. 71	1945	305, 306		1953	234
193. 45	1955	705		1947	221	194. 46	1949	239
	1957	139		1959	454	194. 47	1943	200, 218
193. 46	1953	228	194. 01	1957	804		1945	268, 294,
	1957	289	194. 02	1945	321			309, 310,
193. 47	1953	228		1949	236, 240,			317, 320
193. 48	1953	228			241		1947	210, 213,
193. 49	1949	252		1953	227, 234,			217
	1953	228			240		1949	238, 240,
	1959	454		1957	804			241, 242,
193. 50	1943	213	194. 06	1947	212			243, 346
	1947	204		1955	851		1955	76, 563,
193. 51	1943	200	194. 07	1949	239			851, 882
	1947	201	194. 08	1947	212		1957	148, 581,
	1949	241		1957	101			938
	1953	227, 228,	194. 10	1947	221		1959	178, 285
		233, 234	194. 11	1949	239	194. 47(1)	1945	315
	1955	595		1957	702		1947	210
	1957	581, 702	194. 12	1953	226		1955	76
193. 52	1943	214	194. 13	1949	240	194. 47(2)	1945	315
	1953	228		1957	702		1955	76
	1957	702	194. 15	1945	314, 318	194. 47(3)	1947	213
193. 53	1953	228		1949	239	194. 47(4)	1955	563
	1957	702		1953	237	194. 47(6)	1957	148
193. 54	1947	221		1957	101, 346	194. 471	1945	309, 311,
	1953	228, 234	194. 16	1949	214			312, 315,
	1957	702, 719,		1957	143, 346			316, 317
		938	194. 17	1957	346		1947	209
193. 55	1953	228	194. 18	1957	143, 346		1953	239
193. 56	1943	211	194. 19	1957	346	194. 472,		
	1947	203	194. 20	1957	346	194. 473	1945	309, 311,
	1949	236	194. 21	1945	318			312, 315,
	1953	228, 234		1947	207			316, 317
	1957	702, 719		1957	101, 346		1953	239
193. 57,			194. 22	1947	207	194. 474	1945	309, 311,
193. 58	1953	228		1953	235			312, 315,
193. 59	1949	236		1955	51, 550			316, 317
	1953	228		1957	346		1947	209
	1957	581	194. 23	1947	208		1953	239
193. 60	1949	239		1957	346	194. 47(6)	1949	238
	1957	702	194. 24	1945	313, 318	194. 47(7)	1947	209
193. 63	1947	221	194. 25	1945	310, 336	194. 49,		
	1949	239		1957	804	194. 52	1949	242
	1959	454	194. 27	1957	100	194. 53	1945	310, 317
193. 64	1947	213	194. 28	1943	220		1949	241, 242,
	1949	239		1949	241			243, 346
193. 65	1943	209, 213,		1957	100	194. 53(4)	1949	242
		214		1959	24	194. 54	1955	932
	1945	302	194. 30	1957	100	194. 55	1943	220
	1947	89, 199,	194. 31	1957	100		1945	292, 309,
		200, 201,	194. 32	1957	100			310, 312,
		202	194. 33	1943	220			317
	1949	229, 230,		1957	100		1947	217
		232	194. 34	1943	220		1949	240, 241,
	1951	295, 300		1957	100			242
	1953	167	194. 35	1943	140		1955	76, 563,
	1955	14		1953	225			882
	1957	934		1957	100, 577	194. 55(2)	1947	218
	1959	140, 370,		1959	80		1955	76
		459	194. 36	1945	319	194. 55(3)	1947	218
193. 65(1)	1943	212		1949	239	194. 55(4)	1949	243
	1959	370, 459		1957	100	194. 55(5)	1945	294, 322
193. 65(1), (2)	1943	212		1959	80		1949	243, 346
193. 65(2)	1959	370	194. 37	1957	100		1955	563
193. 65(4)	1947	199		1959	80	194. 55(6)	1955	563
	1953	167	194. 38	1957	100	194. 55(7)	1949	238
193. 65(5)	1947	254		1959	80	194. 55(8)	1949	243
	1953	255	194. 39	1957	100	194. 56	1949	241
193. 66	1943	209, 214		1959	80	194. 58	1953	241, 250
	1951	300	194. 43,				1957	100, 148,
193. 67	1947	202	194. 44	1953	237			936, 938
	1951	301	195. 45	1947	212	194. 59	1951	305

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
194. 59 (cont.)	1955 126	199. 02(2)	1947 240	199. 31(5) (b)	1953 260
194. 60	1957 100, 936		1955 409	200. 01	1945 279, 324,
194. 60(1), (6)	1955 76	199. 02(3)	1959 445, 691		334
194. 62	1955 76		1947 240	1949	252, 253,
	1957 239		1953 252		315
194. 63	1957 702		1957 64, 213,	1951	309
194. 64	1957 100			1955	839
195. 01	1951 305	199. 02(4)	1959 360, 485,	1957	90, 233
	1945 279, 324	199. 02(5)	525, 760	1959	180
	1947 220		1947 240	1945	279, 324,
	1949 245		1947 274		633
	1953 244		1953 251	1947	244
	1959 85		1955 409, 420,	1949	235, 250,
195. 16	1959 506		909		251, 252
196. 11	1947 213, 216,		1957 64, 141	1951	311
	221		1959 691	1953	228
196. 12	1947 211, 213,	199. 03	1955 751	1955	62, 111
	216, 217,		1959 21	1957	42, 611
	221	199. 04	1945 332	1959	31
	1949 243		1953 260	1959	112, 160
	1953 241, 243,	199. 05	1957 694	1951	297
	250		1945 296	1955	751
	1955 784, 851		1949 233, 248	1945	334
	1957 101, 936,		1957 213, 796	1951	311
	938		1959 691	1945	296, 334
	1959 82, 454	199. 06	1943 214	1949	233, 251
196. 14	1949 245		1947 199	1951	311
196. 17	1943 204	199. 07	1945 295, 296,	1959	180
	1953 215		332	1955	111
196. 18-			1949 113, 233,	1945	330, 332
196. 21	1953 215		248	1947	206
197. 01,			1953 260, 262	1949	233
197. 03	1949 246		1955 420	1951	309, 310,
197. 06,			1957 180, 796,		311
197. 07	1949 246		807, 817	1955	111
198. 01	1955 838		1959 691, 713	1957	180
198. 01(8), (9)	1955 838	199. 08	1945 326, 332	1945	279, 324
198. 02,			1949 218	1951	309
198. 03	1953 245		1953 260, 262	1945	334
198. 07	1947 124	199. 09,		1957	418
198. 08	1947 124	199. 10	1945 332	1945	334
	1959 21	199. 11	1947 235, 243	1947	206
198. 09	1947 124		1949 247	1957	418
198. 10	1947 124		1953 255	1945	279, 324,
198. 12	1951 295		1957 213, 796		633
198. 22	1955 838		1959 485	1947	232
	1959 21	199. 11(1)	1957 218	1951	309
198. 23	1959 21	199. 11(2)	1957 218	1953	265
198. 33,		199. 11(3)	1953 255	1959	160
198. 35	1955 838		1955 646, 755	1945	289
198. 38(a)	1943 204		1957 64, 213	1953	224
198. 44	1953 245	199. 15	1955 595	1947	206
	1955 828	199. 18	1945 329, 332	1949	250
199. 01	1945 296, 332		1949 226, 235	1947	206
	1947 241, 243		1953 250	1951	311
	1949 219, 248		1955 595	1955	595
	1951 306		1957 142	1945	329
	1955 420	199. 18(3)	1947 199	1949	226, 235, 253
	1957 141, 233		1957 289	1953	228
	1959 319, 360,	199. 19	1957 142	1955	62, 111,
	691	199. 20	1957 142		595
199. 02	1945 296, 325	199. 21	1957 142	1957	42, 139,
	1947 235, 238	199. 22	1945 332, 333		142, 289
	1949 247, 248,		1949 235	1947	244
	249		1957 282	1949	235
	1951 306		1959 21	1953	228
	1953 251, 252	199. 23	1953 250	1955	111
	1955 409, 420,		1957 282	1957	42, 139
	909	199. 29	1947 220	1953	228
	1957 180, 213,	199. 31	1945 322, 341	1957	42
	506, 912		1947 276	1947	244
	1959 360, 691,		1955 579	1949	252
	760	199. 31(2)	1953 255	1951	311
199. 02(1)	1947 240				

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
200. 30 (cont.)	1953	228	201. 04 (cont.)	1959	361, 432,	205. 01 (cont.)	1955	733, 839
	1957	42			579, 727		1957	10, 232,
	1959	31	201. 05	1947	222			595
200. 31	1947	244		1949	256, 258,		1959	283, 300,
	1957	42, 142			515			318, 422,
200. 32	1947	244		1955	761			450, 594,
	1953	228		1957	89, 112,	205. 02	1943	338
	1957	42			593, 606		1945	344, 784
200. 33	1947	244		1959	361, 408,		1947	258, 259
	1949	250			432, 727		1951	323
	1951	311	201. 06	1947	222		1955	66, 379,
	1953	228		1949	256, 515			839, 933
	1957	42		1955	761		1957	232
200. 34	1957	42	201. 07	1947	230		1959	634
200. 35	1957	42		1955	761		1945	344
200. 36	1945	341	201. 08	1943	224, 225	205. 03	1947	270
	1957	42		1945	337, 339		1951	617
200. 37	1957	42		1947	223, 227,		1957	232, 564
200. 38	1957	42			230		1959	521
200. 39	1957	42		1949	254, 256,	205. 04	1945	344, 345
200. 40	1949	245			257, 258,		1947	270
	1957	42			259		1957	289
200. 41	1951	254		1953	269, 271	205. 05	1945	344
	1957	42		1955	761, 825,	205. 051	1947	263
200. 42	1957	42			930		1951	315, 574
200. 43	1957	42		1957	23, 213,		1953	287
200. 44	1947	239			395, 416,		1955	463
	1949	249			830, 929		1959	13, 371
	1951	304, 309		1959	28, 53,	205. 06	1945	344
	1955	839			77, 118,	205. 07	1945	344
	1957	42, 90			142, 317,		1957	232
	1959	746			341, 360,	205. 08	1945	344
200. 45	1949	362			381, 432,	205. 09	1945	344, 783
	1951	469			490, 569,	205. 10	1945	344
	1957	42, 139			579, 651,		1947	232, 251,
200. 45(3)	1957	139			709, 727,			524
201. 01	1947	222, 224,	201. 08(1)	1959	776		1949	261, 269
		227			118, 432,		1957	145
	1949	254, 256,	201. 08(2)	1959	569	205. 11	1945	344
		258, 515			53, 118,		1947	251
	1955	43, 761			410, 432,		1953	278
	1957	416, 566,	201. 09	1949	727		1959	370
		613, 830		1957	256	205. 12	1943	228
	1959	490, 644,		1959	929		1945	344
		651, 709,	201. 10	1949	28, 727	205. 13	1957	145
		728, 776	201. 11	1959	256		1943	230
201. 02	1943	225	201. 12,		727		1945	344, 369,
	1945	336, 338	201. 13	1947	222			584
	1947	223, 224,	201. 17	1947	222		1947	253, 268
		227, 230	201. 18	1943	227, 228		1949	268
	1949	254, 255,		1947	222		1951	586
		256, 257	201. 19	1959	727		1953	276, 437
	1951	147, 314	201. 21	1955	216, 309,		1955	210, 733
	1953	265, 267			374		1957	185, 689
	1955	313, 761	203. 01	1957	759	205. 14	1945	344
	1957	11	203. 13	1947	264		1953	285
	1959	317, 378,	204. 01	1945	343		1957	595
		380, 381,	204. 02,			205. 15	1945	351, 369
		432, 644,	204. 05	1949	260		1947	271, 272
		728, 763	204. 07	1943	228		1949	266
201. 03	1949	259		1945	341		1951	323
	1955	761	204. 09,	1949	260		1953	278, 286,
	1959	579	204. 11					308, 437
201. 04	1943	227, 228	204. 13	1949	260		1955	210
	1945	339	204. 15	1945	341		1957	10, 16
	1947	222, 224,	205. 01	1947	250	205. 16	1959	683
		226		1943	338		1943	230
	1949	256, 515		1945	344, 626,		1945	349, 350,
	1951	311			783, 784			351, 369,
	1953	228		1947	259			584
	1955	43, 313,		1949	267		1947	267, 268,
		761, 913,		1951	323			269, 272
		942		1953	278, 280,		1949	261, 262,
	1957	89, 112,			287			263, 264,
		593						265, 266

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
205. 16 (cont.)	1949 (cont.) 268, 269, 271, 324, 408	205. 32 (cont.)	1951 316	205. 432 (cont.)	1959 186, 405
	1951 322, 325, 326, 328, 587, 588	205. 33	1949 267	205. 432(1)	1953 191, 585
	1953 214, 278, 286, 288, 308, 437	205. 34	1945 350	205. 432(1) (b)	1955 552
	1955 210	205. 35, 205. 36	1945 358	205. 432(2)	1955 21, 85, 552
	1957 10, 16, 289, 923	205. 37	1947 254, 266, 267, 500		1953 585
	1959 409		1951 322		1955 552
205. 16(1)	1949 263, 264, 269	205. 38	1955 544, 665	205. 433	1959 186
205. 16(2)	1957 289	205. 39	1957 876	205. 44	1959 405
205. 16(3)	1957 289		1955 544, 665		1945 341, 345, 352, 358, 680, 681, 694, 697
205. 16(4)	1947 269	205. 39(1)	1957 846		1947 257
	1949 262, 265, 324, 408	205. 39(2)	1957 846		1949 210, 268, 547
	1959 409	205. 39(3)	1957 846	205. 44(1)	1947 257
205. 16(5)	1957 923	205. 39(5)	1957 846	205. 441	1945 347, 352, 697, 776
205. 16(6)	1945 349	205. 41	1947 254, 271		1949 268
	1949 263, 269		1953 282	205. 45	1945 346, 349, 356, 358, 680, 694, 784
205. 161	1945 350		1955 923		1947 256, 258
	1947 272	205. 411	1957 740		1949 210
	1949 266, 269, 271		1959 52, 370		1953 283
	1951 326, 587	205. 411(2)	1959 370		1955 630
	1953 278, 286	205. 411(5)	1959 370		1957 785
	1957 10, 16	205. 42	1959 652	205. 45(1)	1959 405
	1959 409	205. 43	1943 231, 232	205. 45(2)	1945 784
205. 161(2)	1949 269, 271		1945 341, 345, 347, 352, 358, 680, 681, 694, 697		1955 630
205. 17	1943 233		1947 245, 246, 247, 257, 258, 261, 271	205. 45(5)	1959 604
	1945 351			205. 46	1957 54
	1947 272			205. 46(6)	1955 630
	1949 269			205. 47	1957 54
	1953 286			205. 48	1947 271
	1957 10				1953 275
	1959 147, 735			205. 49	1945 351, 355
205. 18	1945 351				1947 265
	1957 10				1949 267, 271
205. 19	1945 351				1951 316, 319, 320
	1947 272				1953 275, 279, 280, 283, 285
	1953 286				1955 733
	1957 10				1957 10, 232, 335
205. 20	1947 265				1959 260, 404, 594
205. 21	1945 344, 354, 355, 728	205. 43	1953 283	205. 52	1945 355, 784
	1947 265, 268, 590	205. 43(1)	1945 347		1947 254, 262, 263, 450
	1949 580, 581, 582	205. 43(2)	1949 262		1951 319, 325
	1957 10		1953 191, 593		1953 283, 289
205. 28	1947 254		1955 21, 85, 134, 552, 933		1955 733, 820
	1957 335		1959 42, 90, 186		1957 232
205. 29	1947 254, 268, 271			205. 53	1959 449
	1955 544	205. 43(3)	1955 21, 85		1945 354, 356
205. 30	1947 254, 271	205. 43(3) (i), (ii)	1953 191		1947 252, 253, 265, 271
205. 31	1945 344	205. 43(6)	1947 247		1951 321
	1947 268		1953 283		1953 275, 279, 283
	1949 267	205. 431	1949 133, 210		1955 673, 692, 733
	1951 316		1951 268		1957 10, 232
	1959 540		1959 186, 405		1959 204, 260, 300, 404, 553, 594
205. 32	1943 231, 234		1953 191, 585, 21, 85, 134, 552		
	1945 344				
	1947 268				

FLORIDA STATUTES	BIENNIAL REPORT		FLORIDA STATUTES	BIENNIAL REPORT		FLORIDA STATUTES	BIENNIAL REPORT	
	YEAR	PAGE		YEAR	PAGE		YEAR	PAGE
205.55	1947	271	208.06	1951	333	208.57 (cont.)	1957	421
	1957	740		1957	421	208.58	1953	289
	1959	599	208.07	1957	421		1957	421
205.56	1955	673	208.08	1957	421	208.59	1953	289
205.58	1945	356		1959	429		1957	421
	1947	257	208.09	1949	383	208.60	1953	289
	1959	449		1957	421		1957	421
205.59	1945	359	208.10	1957	421	208.61	1953	289
	1949	261, 266	208.11	1943	234		1957	421
	1951	316, 317,		1957	421	208.62	1953	289
		319, 320,	208.15	1957	421		1957	421
		321, 325	208.16	1957	421	208.63	1953	289
	1955	317, 461,	208.17	1951	329, 331		1957	421
		854, 933		1957	421		1957	35
	1957	232, 335	208.18	1957	421		1957	421
	1959	147	208.181	1955	305	209.001	1951	334
205.60	1945	344		1957	421	209.01	1945	360
	1947	268		1959	356		1949	272, 274
	1949	267	208.182	1955	305		1959	698
	1951	316		1957	421	209.01(4)	1957	784
205.61	1949	267, 270	208.182(1)	1959	356	209.02	1945	360
	1951	316	208.183	1955	305		1949	272, 274
	1957	314, 388		1957	421		1957	784
	1959	84		1959	356	209.05(4)	1959	51
205.62	1947	271	208.184	1955	305	210.01	1945	370
205.63	1947	267		1957	421	210.02	1943	223
	1949	264, 265,	208.185	1955	305		1945	370
		270, 580,		1957	421		1949	264, 276
		581, 582,	208.186	1955	305		1957	368
		585		1957	421	210.03	1949	277, 278
	1951	739, 740	208.19	1957	421		1953	296
	1953	279	208.20	1957	421		1957	368, 831
	1955	379	208.21	1957	421		1959	290
	1957	145	208.22	1951	333	210.03(5)	1949	275, 276, 278
	1959	147, 404,		1957	421		277, 296	
		405	208.23	1951	333		1953	180, 296
205.632	1949	263		1957	421	210.04(4)	1957	31
205.65	1949	261	208.24	1951	333	210.04(4) (a)	1957	31
	1953	278		1957	421	210.04(4) (b)	1957	31
	1959	370	208.25	1957	421	210.04(5)	1957	31
205.68	1947	254, 271	208.26	1957	421	210.05	1955	640
	1957	876	208.27	1957	421	210.09	1957	831
	1959	84, 318	208.28	1957	421	210.12	1949	611
205.69	1943	403	208.43	1957	421	210.13	1949	276
205.70	1953	279	208.44	1943	234	210.14	1943	230
206.37	1947	500		1949	38, 191,	210.15	1945	369
207.01	1951	329, 331			272, 274,		1949	264
	1957	164			456	210.15(6)	1949	498
	1959	698		1951	333, 494	210.17	1943	236
207.01(5)	1957	164		1955	5		1949	264
207.02,				1957	421	210.19	1957	831
207.03	1951	331		1959	180, 429	210.20	1949	419
207.04	1947	261	208.45	1957	164, 421		1957	368, 831
	1951	331	208.47	1953	289	210.20(2) (b)	1957	368
				1957	421	210.21	1949	275, 276
207.05,	1951	331	208.48	1953	289	210.21(1) (a)-		
207.06	1943	234, 322		1957	421	(e)	1949	275, 276
208.01	1957	421	208.49	1953	289	210.21(2)	1949	275, 276
	1959	356		1957	421	210.21(5)	1949	275
208.02	1957	421	208.50	1953	289	210.21(e)	1953	296
	1959	356		1957	421		1959	112
208.03	1957	421	208.51	1953	289	211.02	1947	192
208.04	1943	234, 322		1957	421	211.12	1945	368
	1949	271, 272,	208.52	1953	289	211.13	1947	192
		274, 383		1957	421		1959	112
	1951	329, 333	208.53	1953	289	211.14	1945	368
	1953	616		1957	421		1949	103, 214,
	1957	164, 421,	208.54	1953	289		231	
		764		1957	421		1951	434
	1959	180, 356,	208.55	1953	289		1959	119
		698		1957	421	211.15-		
208.04(2)	1957	164	208.56	1953	289	211.18	1945	368
208.05	1943	234		1957	421	212.01	1951	338
	1957	421	208.57	1953	289	212.02	1951	338
							1959	180

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
212.02(1)	1957 14			216.17	1945 366, 367, 520, 595
212.03	1949 279, 280	215.26	1943 417		1949 334
	1951 338		1945 270, 322, 341, 362		1957 474
	1953 298			216.171	1955 687, 702
212.04	1949 280		1947 276		1959 167, 517
	1951 338		1949 282	216.171(3)	1953 4, 462
212.05	1951 335, 338		1951 268, 344, 591		1955 687
	1957 222				1959 167
212.06	1951 335, 338		1953 304	216.171(4)	1953 4
212.07	1949 280		1955 579, 749, 767		1957 645
	1951 338			216.171(5)	1955 580
212.07(2), (4)	1951 342		1957 234, 273, 564, 919		1957 251
212.08	1951 338, 381		1959 490		1959 167
	1957 222	215.26(2)	1957 564	216.19	1955 571
	1959 171, 191	215.27	1943 434	216.20	1957 68, 274
212.08(3)	1957 222, 407	215.28-		216.23	1959 167
212.08(5)	1959 171, 191	215.42	1957 41	216.23(1)	1959 167
212.08(6)	1957 67	215.29	1949 29	216.23(4)	1957 68
212.08(7)	1959 171, 191	215.30	1945 101, 148, 361, 362,	216.24	1955 760
212.081	1957 407		504, 576		1959 75, 207
212.081(4)	1959 171, 191		1949 29, 282	216.28	1957 494
212.09	1951 338		1951 28, 345, 552, 566	218.06	1947 426
212.10	1949 280			218.07	1947 426, 441
	1951 338		1953 9		1949 177, 214,
212.11	1951 388, 342		1955 623, 804		434
	1957 407				1953 415
212.12	1951 388, 342	215.30-			1955 645
	1957 407, 680	215.37	1959 429	218.08	1955 645
212.13	1951 338	215.30(5)	1955 623	218.09	1947 426
	1957 680	215.31	1945 101, 148, 361, 362,	218.11	1955 645
212.14	1951 338		363, 455,	219.01-	
	1953 298		504, 573,	219.08	1957 871
	1957 680		576	219.01	1959 423
212.15	1951 338, 339, 340, 342		1947 447	219.01(2)	1957 871
	1957 680		1951 345, 391		1959 447
212.16	1949 280	215.32	1945 101, 148, 361, 362,	219.02	1959 423
	1951 335, 338		363, 504,	219.05	1959 216
212.17	1951 338		576	222.06	1953 316
212.18	1951 338		1951 28, 435,	222.13,	
	1957 448		566	222.14	1951 306
212.19	1951 338		1955 623	222.15	1957 22
	1953 298		1959 429		1959 233
212.20	1951 338		1955 623	222.17	1949 36, 284,
	1957 407	215.32(5)			287
212.21	1951 338	215.33,			1951 350, 355
212.22	1951 338	215.34	1945 101, 148, 361, 362,	222.17(4)	1949 287
212.23	1949 276		504, 576	224.22	1943 501
	1951 338		1945 101, 148, 361, 362,	227.02	1945 421
215.01	1943 238, 449	215.35	504, 576	227.04	1949 290, 294,
215.02	1943 455		1949 29, 282		308
215.04	1953 16		1951 28	227.13	1951 379, 393
215.05-			1945 101, 148, 361, 362,		1945 424
215.07	1955 534		504, 576		1949 192
215.11-		215.36	1949 29		1951 379, 619
215.13	1953 16		1945 101, 148, 361, 362,	227.13(1) (b)	1947 192
215.18	1943 237, 238		504, 576	227.13(6)	1947 293, 297
	1949 383			227.13(10)	1945 395
	1953 301	215.37	1949 29	227.13(11)	1949 290, 308
	1955 760		1957 845	227.13(12)	1943 253
215.19	1947 277	215.37(1)	1959 429	227.13(13)	1943 253, 255
	1949 281	215.37(3)	1953 301	227.13(24)	1943 276
	1955 79, 164	215.37(4)	1953 301		1945 404
215.19(1)	1955 164	215.37(5)	1953 301	227.13(25)	1947 325
215.19(2)	1955 79, 164		1959 429		1943 276
215.20	1943 236	215.41	1953 356	227.13(a)	1953 511
	1959 429	215.421	1957 490	227.14	1945 372
215.20-		216.02	1953 306		1959 748
215.25	1957 474		1959 207	227.14(14), (15)	1955 14
	1959 429	216.08	1957 474		1959 186, 248,
215.22	1959 429	216.16	1945 366, 367, 573, 595	228.041	649
215.24	1959 429				

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
228. 041(1)	1955	256	230. 05	1945	380	230. 23(6) (b)	1945	251
228. 09,				1951	379		1947	290
228. 10	1949	307	230. 06	1943	252	230. 23(6) (f)	1959	415
228. 11	1945	176		1945	394	230. 23(7)	1943	253
	1949	109		1947	282, 285,		1949	302
228. 13	1953	319			286, 287,	230. 23(7) (c)	1945	377, 378,
228. 14	1959	186			288, 295,			382
228. 14(3)	1947	282			296	230. 23(7) (e)	1945	382
228. 15	1949	291		1949	103, 296		1953	326
	1953	319		1951	361, 386	230. 23(7) (f)	1945	379
	1955	38		1953	322		1953	326
228. 16	1945	372		1955	529	230. 23(7) (g)	1945	382
	1947	282, 315	230. 07	1943	252		1951	402
	1955	324		1945	387, 394		1953	326
	1959	251		1947	285, 287	230. 23(7) (h)	1955	150
228. 16(2)	1947	281		1951	361	230. 23(8) (d)	1943	248
	1951	386		1953	322	230. 23(8) (f)	1949	294
	1959	251		1955	529		1951	393
228. 16(3) (a)-			230. 08	1945	387, 394	230. 23(9)	1947	291
(c)	1959	251		1947	98, 282	230. 23(9) (a)	1943	248
228. 16(4)	1953	319		1949	296	230. 23(10) (i)	1959	724
	1959	251	230. 08(1)	1945	380	230. 23(11)	1945	386
228. 16(5)	1959	251	230. 09	1945	387, 394	230. 23(11) (b)	1943	249
228. 19	1943	253		1947	282, 288		1945	390, 391
	1947	282		1949	296		1949	290, 300,
229. 01	1949	291	230. 09(1)	1945	380			308
	1951	398	230. 11	1955	217	230. 23(11) (c)	1945	386, 396
229. 07(3)	1949	291	230. 12,				1949	294
229. 07(18),			230. 13	1947	284, 289	230. 23(11) (d)	1945	381
(20)	1951	398	230. 14	1943	256		1949	301
229. 08	1943	241	230. 151	1951	383	230. 23(12)	1945	391
	1947	205	230. 17	1943	178		1949	297
	1951	379	230. 19	1945	380		1955	324
229. 08(5)	1945	373		1947	288	230. 23(12) (b)	1949	291
	1949	291		1949	296, 300	230. 23(12) (f)-		
229. 08(6)	1943	241	230. 201	1955	278	(h)	1943	246
229. 08(10)	1943	242		1959	440, 536	230. 23(12) (i)	1943	262
	1945	375	230. 22	1943	242		1945	231, 391
229. 08(11)	1949	290, 308		1951	379		1947	323
	1951	393	230. 22(1),				1949	290, 293,
229. 08(15)	1945	373	(2)	1943	246, 253			308
229. 09(20)-				1947	307, 317		1951	383, 393
(23)	1943	248	230. 22(4)	1945	379		1953	320
229. 15	1951	400		1949	290, 308	230. 23(13)	1957	191
229. 17(20)	1951	398		1951	393	230. 23(13) (b)	1943	255, 260
229. 18	1951	400	230. 22(5)	1943	246, 253		1953	323
229. 23	1955	256		1947	307	230. 23(15)	1951	393
	1957	186		1949	290, 308	230. 23(18)	1947	307
229. 25-				1951	393		1951	393
229. 35	1959	627	230. 23	1945	386	230. 24	1951	386
229. 37	1959	627		1949	294, 296,	230. 24(16)	1943	248
230. 01	1951	368			297	230. 25	1947	301, 302
230. 02	1949	290, 308		1951	379		1951	386
	1951	379, 393,		1955	217	230. 26-		
		619		1957	70, 191,	230. 28	1951	386
230. 03	1943	243			682, 749	230. 29	1943	178
	1951	379, 398	230. 23(1)	1949	302		1951	386
	1957	191		1951	619		1953	324
230. 03(1)	1943	247	230. 23(4)	1943	249	230. 30	1947	300
230. 03(2)	1943	246, 253		1945	391		1951	386, 393
230. 03(3)	1959	315		1947	289	230. 302	1957	291
230. 03(4)	1943	253		1949	295, 296,	230. 31,		
230. 03(5)	1959	315			297	230. 32	1951	386, 393
230. 04	1943	95, 283		1951	361, 619	230. 32(2) (d)	1945	166
	1945	380, 383,	230. 23(5)	1943	248	230. 321	1957	253
		387, 394	230. 23(5) (b)	1959	248	230. 33	1951	368, 386
	1947	282, 284,	230. 23(5) (d)	1959	248		1953	321
		286, 288,	230. 23(5) (e)	1959	558, 575		1959	315
		574	230. 23(5) (f)	1959	575	230. 33(6) (a)	1945	395
	1949	296	230. 23(5) (h)	1957	749		1949	298
	1951	379	230. 23(5) (i)	1957	70	230. 33(7)	1949	297
230. 04-			230. 23(6)	1951	619	230. 33(7) (b)	1945	383
230. 21	1955	949	230. 23(6) (a)	1945	395		1949	292
	1959	502		1947	290		1951	366

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
230. 33(7) (c)	1945	383	230. 48(2)	1959	251	232. 03	1955	188
	1949	185, 381,	230. 55	1957	682	232. 04	1945	406
		382	230. 56	1957	682		1959	251
230. 33(7) (d)	1945	383	230. 57	1957	682	232. 07	1943	396
	1959	315	231. 01	1959	248	232. 08	1943	396
230. 33(7) (d), (e)	1945	383	231. 01(4)	1953	153		1945	545
230. 33(7) (h)	1953	321	231. 01(5)	1959	248	232. 141	1955	855
	1955	150	231. 01(6)	1959	248	232. 17(1)	1945	429
230. 33(7) (i)	1949	297	231. 05	1957	510		1949	292
230. 33(8) (f)	1947	342	231. 09(4)	1957	7	232. 17(2) (c)	1945	405
230. 33(12) (f)	1943	246	231. 14	1945	403	232. 19	1951	487
230. 33(12) (i)	1947	289	231. 15	1945	403, 429		1957	731
230. 33(15)	1949	290, 308	231. 17	1959	558	232. 24	1945	406
	1951	379		1945	400, 402	232. 25	1951	386
230. 34	1943	253		1947	302		1957	468
	1947	295, 303	231. 20	1955	473	232. 26	1951	386
	1949	103, 292,	231. 28	1947	301		1957	7
		310, 314	231. 31	1943	258	232. 27	1957	7
	1955	150, 727	231. 34	1951	435	232. 29	1947	342
230. 34(1)	1949	314		1945	398, 421		1951	395
	1951	400		1951	390		1953	153
230. 34(2)	1949	310	231. 35	1953	153		1959	415
230. 34(3)	1947	295		1945	383	232. 30	1951	394
	1953	323		1949	185, 381,		1959	415
230. 34(6)	1947	292, 296			382	232. 31	1947	342
230. 35	1943	243		1951	368	232. 32	1953	153
	1945	379		1955	150	232. 33	1949	305
	1949	292, 314	231. 35(1)	1959	315	232. 34,		
230. 36	1943	243, 253	231. 35(2)	1955	150	232. 36	1947	342
	1949	124, 292		1945	377	232. 37	1943	253
230. 37	1943	259		1949	185, 291,	233. 12	1955	70
	1945	393	231. 36		381, 382	233. 13	1943	261
	1947	293, 297		1949	302, 303,	233. 16	1947	317
	1949	292			318	233. 16(2)	1945	407
230. 37- 230. 39	1959	230		1951	389, 390	233. 16(5)	1947	317
230. 38	1947	299		1953	326	233. 17	1947	317
	1949	292		1957	1, 221,	233. 29	1943	253
230. 39	1943	264	231. 36(4)		904	233. 34	1951	391
	1947	298, 299,	231. 36(5)	1959	575, 742	233. 41,		
		303	231. 361	1959	367	233. 43	1945	410
	1949	109, 292,	231. 37	1959	742	233. 46	1945	410
		312		1957	904		1951	391
	1955	337	231. 39	1953	326	233. 47	1945	410, 442
230. 40	1949	292		1959	575	233. 48	1945	410
230. 41	1943	255	231. 39(1)	1945	400		1951	391
	1949	292	231. 39(2)	1957	1	234. 01	1943	262
230. 42	1943	253	231. 40	1957	1	234. 03	1947	304, 319
	1945	372		1943	258		1949	306, 337
	1949	292, 316		1945	400	234. 03(1)	1943	262
230. 43	1943	243, 253	231. 41	1945	400	234. 03(3)	1943	247
	1945	386		1947	312, 313	234. 04	1949	305
	1949	291, 292,	231. 42	1945	399		1951	457
		298, 316		1947	312		1957	657
	1951	368	231. 43	1945	400, 402		1959	123
	1955	150	231. 47(1)	1955	382	234. 041	1959	123
	1959	248	231. 47(2)	1947	314	234. 041(1)	1959	123
230. 43(1)	1945	377, 378,	231. 47(3)	1959	575	234. 08	1959	123
		383	231. 50	1959	575	234. 08(1)	1959	123
	1949	185, 292,		1943	271, 275	234. 10(1)	1943	262
		381, 382		1945	208, 402	234. 10(6)	1951	393
	1959	315		1949	301		1955	278
230. 43(2)	1945	378, 383	231. 51	1947	301	234. 12	1951	397
	1949	291, 292		1951	388	234. 13	1945	75
	1959	248, 315	231. 52	1949	301		1951	396, 397
230. 43(3)	1945	382		1951	388	234. 14	1949	370
230. 43(4)	1949	298	232. 01	1943	271	234. 20	1943	262
230. 43(10)	1945	381, 386		1945	402		1945	779
230. 43(11)	1945	397		1945	404, 405,	235. 02	1949	305
230. 44	1951	361			406		1943	243
230. 46	1957	682, 718		1947	315, 316,		1945	397
230. 47	1957	682, 718			317		1947	320
				1951	386	235. 04	1947	320
				1959	251, 284		1949	309

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
235. 04 (cont.)	1951	399	236. 074	1959	748	236. 38	1951	168
	1955	267, 336,	236. 075	1959	748	236. 39	1949	152
		603	236. 08	1949	329		1951	168
235. 05	1949	295	236. 09	1945	421	236. 40	1949	85, 150,
235. 07	1945	381, 421		1947	325			152
	1949	301		1949	329		1951	168
	1953	329		1951	403	236. 41,		
235. 12	1949	292		1959	748	236. 42	1951	168
235. 15	1957	682	236. 11	1945	421	236. 43	1945	421
235. 16	1957	682		1947	324	236. 45	1945	418, 420
235. 19	1949	295, 300	236. 12	1947	324		1949	310
	1957	682	236. 13	1945	372, 424	236. 48	1945	419
235. 21	1957	682		1947	324, 327	236. 49	1947	327
235. 22	1945	408, 409		1951	403	236. 49(3) (c)	1949	311
235. 24	1947	321, 323		1959	748	236. 50	1949	310
	1957	682	236. 14	1945	410	236. 52	1945	421
235. 25	1947	323	236. 19	1951	400	236. 53	1943	212
	1957	682	236. 20	1951	415		1953	580
235. 26	1947	321, 323	236. 23	1943	242		1955	727
	1957	631		1945	375	236. 54,		
235. 26(10),			236. 24	1945	372	236. 55	1947	327
(11)	1947	323	236. 29	1945	421	236. 56	1949	310
235. 26(11)			236. 30	1945	372	236. 58(5)	1951	400
(a)	1947	321	236. 31	1947	299, 300	236. 59	1945	416
	1957	631		1949	313	236. 601	1953	347
235. 26(19)	1945	396	236. 32	1945	176, 393	236. 61	1951	361
235. 26(20)	1945	396		1947	293		1957	191
	1949	294		1949	307	236. 62	1951	361
235. 26(21)				1955	337	236. 67	1945	421
(a)	1947	321	236. 32(1)	1955	337	236. 92	1947	325
235. 26(22)	1947	321	236. 32(1) (e)	1945	200, 412,	237. 02	1945	372
235. 27	1947	321			415		1949	315
	1949	301		1949	313		1951	512
235. 27-			236. 32(2)	1943	264	237. 02(1)	1945	391
235. 29	1957	682		1945	393	237. 02(2)	1945	391
235. 31	1945	408		1947	294, 296		1947	289
	1951	398		1951	400, 403		1955	256
	1953	328	236. 32(2) (a)	1943	259		1957	902
235. 32	1959	503		1945	412		1959	549,
235. 321	1955	921		1947	292, 298	237. 02(3)	1945	391
235. 34	1953	182		1949	83, 109,	237. 02(4)	1945	381, 391
235. 35	1951	368			312	237. 02(6)	1943	262
235. 36	1957	39, 110,	236. 32(2) (b)	1945	200	237. 04	1951	409
		586		1949	83, 95,	237. 05	1945	372
236. 01	1943	264			96	237. 07	1953	329
236. 02	1947	305, 314,		1951	405	237. 09	1949	229, 315,
		326	236. 32(2) (c)	1949	102, 109			316
	1949	329	236. 32(2) (d)	1945	393, 412	237. 09(1)	1943	269
	1955	324		1947	293, 297	237. 10,		
	1959	558		1949	313	237. 11	1949	316
236. 02(2)	1949	312		1951	113, 400,	237. 12	1945	372, 421
236. 02(3)	1949	312			403, 405	237. 13	1945	421
	1955	324	236. 32(2) (f)	1943	259		1947	327
236. 02(3)				1945	412, 413		1949	229, 315
(a)-(d)	1951	402		1947	298		1955	14
236. 02(6) (b)	1959	558, 575	236. 32(3)	1945	173	237. 17	1945	372
236. 02(6) (c)	1959	558		1947	292, 296	237. 18	1943	212
236. 03	1945	390	236. 32(3) (a),				1949	312
	1949	329	(b)	1943	263		1955	217
236. 04	1945	701	236. 32(4)	1945	416	237. 19	1945	372
	1951	361		1955	337		1949	315
	1957	191	236. 32(4) (f)	1943	264	237. 19(2)	1947	324
236. 04(10)	1953	467	236. 32(4) (g)	1943	264		1951	237
236. 06	1949	329		1949	314	237. 22	1943	267
236. 07	1949	311, 329	236. 32(4) (j)	1943	264		1945	423
	1951	407	236. 33	1949	312		1951	237
	1959	558, 575	236. 34,			237. 23(1),		
236. 07(3)	1953	522	236. 35	1945	372	(2)	1943	262
236. 07(3) (b)	1959	558	236. 36	1945	417		1947	323
236. 07(3) (c)	1959	575		1949	309	237. 23(3)	1947	323
236. 07(4)	1955	256		1951	168	237. 25	1943	265, 271
	1957	186	236. 37	1945	417, 418		1947	289
236. 07(6)	1949	300, 310,		1951	168		1959	308
		311		1953	508	237. 26	1949	311
	1951	403, 407						

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
237. 26 (cont.)	1959	308	238. 06	1943	273, 281,	238. 10	1945	424
237. 27	1943	249, 265,			282		1955	623
		271			1945	238. 11	1945	424
	1947	289			1949	238. 11(3) (a)	1955	412
	1949	311	238. 06(1)	1945	423, 425	238. 12	1945	424
	1951	408	238. 06(2)	1943	281	238. 13	1945	208, 424
	1959	308		1945	425	238. 14	1945	424
237. 27(2)	1953	331	238. 06(3)	1943	273	238. 15	1945	424
237. 28	1943	269		1959	611		1959	173
	1945	420, 776	238. 06(4)	1949	317, 318	238. 16	1945	424
	1955	14	238. 06(5)	1943	280	238. 17	1951	420
237. 29	1943	246	238. 06(6)	1949	319	238. 181	1955	510, 776
	1945	372	238. 07	1945	424, 429	238. 181(1)	1959	742
237. 30	1945	372		1947	328, 330,	238. 181(2)	1959	742
237. 31	1943	246			332	238. 181(3)	1959	742
	1945	421		1949	303, 318	239. 01	1947	342
237. 31(2)	1951	383		1951	414		1953	333
237. 31(6)	1949	316		1957	718, 910	239. 02	1945	430, 431
237. 32	1943	103		1959	23		1949	319
	1947	154	238. 07(1)	1947	330		1953	333
	1951	246	238. 07(1) (b)	1943	275, 276	239. 09	1951	415
	1957	144		1945	429	239. 19	1943	286
	1959	216	238. 07(2)	1945	425		1945	429, 432
237. 32(1)	1957	144		1951	414		1947	344, 345
237. 32(4)	1957	144	238. 07(2) (b)	1943	271		1949	320, 322
237. 32(6)	1947	154		1949	318	239. 20	1945	432, 433
238. 01	1943	273	238. 07(2) (c)	1943	271		1947	347
	1945	424		1947	329		1949	322
	1949	318		1951	412	239. 21	1945	432
238. 01-			238. 07(3)	1943	276		1947	345
238. 16	1955	576		1945	425	239. 22	1945	432
238. 01(4)	1943	280, 281,		1953	332		1947	345, 353
		283	238. 07(5) (a)	1943	276		1949	322
	1945	423, 429	238. 07(5) (c)	1943	280	239. 23	1945	432
	1947	328, 331	238. 07(6)	1943	274		1949	320, 322
	1949	317		1947	328	239. 24	1945	432, 433
	1955	412	238. 07(6) (a)-				1947	347, 349,
	1959	558	(c)	1947	329			350
238. 01(5)	1959	748	238. 07(7)	1949	303, 316,		1949	321, 322,
238. 01(6)	1955	412			318			325
238. 01(14)	1945	425	238. 07(7) (a)	1951	412	239. 25	1947	344
238. 01(16)	1943	271	238. 07(7) (b)	1957	899		1955	174
	1957	910	238. 07(8)	1947	328, 332	239. 26,		
238. 01(17)	1957	910	238. 07(9) (c)	1949	316	239. 27	1955	174
238. 01(18)	1943	271	238. 07(10) (e)	1949	318	239. 28	1947	344
	1953	332		1951	412		1955	174
238. 02	1943	273	238. 07(11) (c)	1949	316	239. 37-		
	1945	424	238. 07(12)	1951	412	239. 40	1945	429, 432,
	1949	318	238. 07(14)	1959	23			439
238. 03	1945	424	238. 07(16)	1957	782, 910	239. 41	1945	429, 432,
238. 04	1943	276	238. 07(16) (a)				1947	439
	1945	424	2. (3)	1957	910		1957	344
	1951	410	238. 07(16) (b)	1957	910	239. 42	1945	429, 432,
238. 05	1943	273, 275	238. 07(16)					439
	1945	424, 425	(b) 6.	1957	910		1947	347
	1949	318	238. 07(16) (c)	1957	910		1949	320
238. 05(1) (b)	1959	23, 748	238. 07(16)				1953	334
	1943	279	(d) 2.	1957	910	239. 43	1945	429, 432,
	1947	328	238. 07(16)					439
238. 05(2)	1943	273	(d) 4.	1957	910		1947	349, 350
238. 05(3)	1943	273, 277,	238. 08	1945	424	239. 44	1945	429, 432,
		280		1957	910			439
	1945	402	238. 09	1945	424		1947	347, 349,
	1947	332	238. 09(1)	1943	279			353
	1957	910		1945	423, 425	239. 46-		
	1959	742	238. 09(1) (b)	1947	329	239. 52	1955	593
238. 05(3) (a)	1951	412		1957	899	239. 53-		
238. 05(3) (b)	1949	317	238. 09(1) (c)	1957	782	239. 58	1955	371
238. 05(3) (c)	1949	318	238. 09(1) (g)	1957	899	240. 01	1943	285
238. 05(4)	1943	279	238. 09(5)			240. 03	1957	602
	1947	331	(a) 1.	1957	782	240. 04	1943	285
	1959	611	238. 09(5) (b)	1957	782		1945	439
238. 05(8)	1951	412					1947	340, 342

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
240.04 (cont.)	1957	602	243.03	1957	193	253.03	1943	294
240.071	1953	306	243.13	1949	324		1955	180, 214,
240.09	1945	468	243.131	1957	494			606, 863
240.091	1953	306	243.17	1949	324		1957	621
240.092	1953	337, 338	245.06	1955	881		1959	373
	1955	873	246.08	1957	668	253.06	1945	452
240.10	1943	285	246.09	1957	668		1949	225, 333
	1945	96, 436	246.14	1957	668	253.06-		
	1955	873	246.15	1957	668	253.11	1955	460
240.101	1955	873	248.05	1945	658		1957	896
240.102	1957	494	249.03	1945	472		1959	1
	1959	358	249.04,			253.06-		
240.102(1)	1957	494	249.06	1943	289	253.15	1955	180, 214,
	1959	358	249.10	1943	289			446
240.102(2)	1957	494	249.24,				1957	896
240.11	1943	284, 285	249.25	1945	75		1959	1
	1947	340	249.26	1943	148	253.07	1945	452
	1953	565		1945	75		1949	225
	1957	602	249.27-			253.08-		
240.13,			249.37	1945	75	253.11	1945	452
240.14	1947	333	250.02	1959	133	253.12	1943	292
240.21	1943	247	250.18	1949	331		1945	451, 452
240.22(4)	1943	247	250.22	1955	176, 381		1955	343, 460
240.23(4)	1943	247		1957	53		1957	86, 253,
240.27	1955	615	250.22(1)-(4)	1947	356, 357			307, 324,
241.03	1945	439	250.24	1947	357			434, 476,
	1947	342	250.28	1947	129, 359			484, 563,
241.05	1945	440	250.33,					608, 614,
241.051	1945	440	250.37	1947	360			621, 735,
241.08	1947	351	250.40	1953	350			746, 774,
241.09	1947	351		1957	876			865, 879
241.39	1945	440	250.40(6)	1955	575		1959	1, 285,
241.45	1945	441	250.41	1953	350			291, 342,
241.51	1947	351		1957	876			373, 583,
241.56,			250.41(1), (2)	1953	350			616
241.57,	1947	351	250.42	1957	876	253.12-		
241.62	1955	873	250.46	1949	331	253.129	1959	264
242.01	1943	257	250.47	1945	445	253.12-		
	1945	442	250.48	1947	356, 357	253.15	1957	896
	1951	424		1949	158, 331		1959	1, 293
242.011	1951	251, 424,		1951	212	253.12-		
		428	250.49	1951	212	253.64	1955	863
242.02	1947	89, 284	250.50	1957	510	253.12(1)	1957	226, 253,
	1949	28, 124,	250.72	1945	96			307, 434,
		127, 129,	250.73	1945	75			476, 484
		330	250.74	1945	626		1959	583
	1955	278	250.76	1947	358, 359	253.121-		
242.02(44)	1949	329	251.02	1945	445	253.129	1959	373
242.03	1951	428	251.14,			253.122	1957	307, 484,
242.05	1945	372	251.15	1945	445			504, 578,
242.09	1943	178	252.02(1)	1953	140			608, 641,
242.10	1955	364	252.02(1) (a)	1959	541			735, 752,
242.26	1949	307	252.04	1959	541			879, 924
242.34	1949	329	252.04(2)	1959	541		1959	1, 264,
242.40	1947	352	252.06	1955	645			285, 293,
242.41	1945	444	252.06(2) (g)	1955	645			342, 373,
	1947	353	252.09	1957	327			616
	1949	292	252.09(1)	1953	140	253.122-		
	1953	319		1957	892	253.0013	1957	434, 451,
242.42	1947	353		1959	541			476, 563,
	1949	292	252.09(1),					608, 621,
	1953	319	(2) (a)	1953	140			746, 774,
242.43	1947	353	252.09(2)	1959	541			879
242.46	1949	328	252.09(2) (a)	1957	327, 892	253.122-		
	1951	427		1959	541	253.129	1959	182
242.47	1951	427	252.09(2) (b)	1959	541	253.122(1)	1957	324, 578,
242.51	1945	375	252.19	1957	892			699
	1951	400	252.19(2)	1959	541		1959	264, 342
242.62	1953	335, 342	253.01	1945	448	253.122(1)-		
242.62(3)	1953	335		1949	175, 180,	(4)	1957	504
242.62(5)	1953	341			333	253.122(2)	1957	324, 578
242.65	1953	341		1957	25	253.122(3)	1957	324, 578
243.022	1949	327	253.02	1945	448	253.122(4)	1959	264
	1951	417		1949	175, 180	253.122(5)	1957	324, 578
				1957	25			

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
253. 122(5) (cont.)	1959	293	255. 041	1957	549	282. 001 (cont.)	1953	9
253. 123	1957	484, 608, 641, 879	255. 05	1947	367		1955	197, 571
				1959	146		1957	474
	1959	342	255. 051	1957	241	282. 001(3)	1957	474
253. 124	1957	608	256. 08	1959	437	282. 002	1949	337, 341, 379, 413, 451, 628
	1959	342, 373, 616	257. 03	1951	432			391, 437, 472, 549
253. 125	1957	434, 451, 476	258. 13	1945	455		1951	
253. 126	1957	434, 451, 476, 641	264. 03, 264. 04	1949	620		1953	9
			264. 06	1943	296		1957	474
253. 128	1957	879		1957	874	282. 002(7)	1955	571
253. 129	1957	253, 476	264. 08	1943	296	282. 002(26)	1949	379
253. 0013	1957	476		1957	874		1953	9
	1959	182, 616	264. 09	1945	456	282. 002(27)	1957	474
253. 0013(1)	1957	484		1949	333	282. 01	1943	98, 241, 284
253. 0013(2)	1959	583	264. 10	1945	85, 456			
	1957	484	264. 15	1943	296		1945	455, 523
	1959	616		1945	456		1949	159, 337, 341, 451, 628
253. 13	1943	292	270. 01	1959	373		1951	437, 517
	1945	451, 452, 459	270. 07	1943	299		1953	356
				1945	458		1955	3, 687, 729, 808, 830
	1957	608		1955	611		1957	251, 766
253. 14	1959	293	270. 08	1945	458		1955	343, 406, 407
	1943	292		1955	611			
	1945	452		1959	1			
	1949	225	270. 09	1943	299	282. 01(1)	1957	766
	1959	293		1945	506		1955	
253. 15	1943	292		1951	432			
	1945	452		1955	611	282. 01(1), Item 13	1957	766
	1949	225, 333	270. 10	1945	458	282. 01(1), Item 16	1959	169
	1955	863	270. 11	1943	292, 295, 299, 300	282. 01(1), /17C/ Item 25, g.	1951	521
	1959	285, 293		1945	458	282. 01(1), Item 32	1959	39
253. 18, 253. 19	1945	448		1951	432, 434	282. 01(1), Item 36	1957	251, 670
	1949	175, 180		1953	353	282. 01(1), Item 37	1957	639
				1957	615	282. 01(1), Item 62	1957	625
253. 24, 253. 25	1945	449	270. 12,	1947	363	282. 01(1), Item 62 b-e	1959	610
253. 30	1945	453	270. 13	1955	446	282. 01(1), Item 66	1957	625
253. 351	1945	449, 450		1959	373	282. 01(11)	1953	435
	1947	365	270. 13	1959	373	282. 01(12) (c)	1949	395
253. 352- 253. 355	1947	365	270. 14	1959	373	282. 01(13)	1959	198
253. 356	1945	449, 450	270. 16,			282. 01(13) (a)	1959	207
	1947	365	270. 17	1951	432	282. 01(14)	1959	198
			270. 18	1947	205, 364	282. 01(15)	1959	167, 198, 267
253. 36- 253. 38	1955	180, 214, 446		1951	432		1945	462, 529, 766
			270. 19	1945	461	282. 03(4)	1957	326
253. 36- 253. 41	1957	896	270. 21	1951	432	282. 04	1943	371
253. 42	1943	292	270. 22	1959	373		1945	96, 363, 436, 466
253. 45	1943	295	270. 23	1957	25	282. 05	1943	284
	1947	363	270. 28	1943	295, 304		1945	102, 466
	1949	175, 413		1945	269		1949	159, 171, 338
253. 45	1955	180	271. 01	1943	292, 301		1943	343
253. 47	1943	295		1945	451, 452		1945	465
	1957	896		1957	253, 896		1951	566
253. 49	1945	448	271. 06	1959	1, 373		1945	466, 529
253. 51	1945	651	272. 01	1955	180		1949	159, 334
	1951	635		1943	265		1949	159
	1953	568	273. 01(2)	1957	844		1949	337
			273. 08	1957	844		1955	687, 702
253. 51- 253. 61	1957	896	274. 01-					
253. 52-			274. 10	1959	461			
253. 61	1945	651	274. 01	1959	461			
	1953	568	274. 03	1959	461			
253. 64	1957	25	275. 15	1943	339	282. 06	1943	343
255. 01	1947	375	275. 27,				1945	465
	1953	147, 336	275. 28	1949	410		1951	566
255. 01- 255. 03	1955	616, 924	282. 001	1949	337, 341, 379, 413, 451, 628	282. 08	1945	466, 529
255. 03	1947	375			437, 472, 549	282. 09	1949	159
	1953	336		1951		282. 091	1949	337
						282. 10	1955	687, 702

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
282. 13	1945	455	286. 19	1945	470, 471,	292. 09	1945	476, 477
	1949	159			472		1949	434
282. 22	1945	256, 462,		1953	361	292. 10-		
		504, 527,		1955	49	292. 12	1945	249
		645	286. 19(4)	1953	361		1955	542
282. 24	1945	436, 447,	286. 20-			292. 13-		
		453, 463,	286. 22	1945	471, 472	292. 15	1945	249
		472, 525,	287. 01(1)	1957	246	292. 16	1945	249
		657, 766	287. 01(2)	1955	70		1949	343
	1949	336		1957	246	293. 01	1943	306
282. 24(1)	1947	368	287. 011	1957	371, 435	293. 03	1943	484
282. 24(2),			287. 011(2)	1957	246	293. 15	1945	106, 478
282. 24(2) (c)	1947	368		1959	212		1949	343
282. 25	1945	436, 447,	287. 05	1953	378		1953	380
		453, 463,	287. 06	1957	246	294. 01,		
		525, 766	287. 061	1957	246	294. 07	1943	306
282. 25(2)	1945	657	287. 061(1)	1959	212	294. 11	1943	306
282. 26	1945	436, 447,	287. 061(2)	1959	212	295. 06	1945	479, 557
		453, 463,	287. 07	1953	364		1953	381
		657, 766	287. 08	1953	378	295. 07	1949	440
	1949	336		1955	380		1951	446, 447
283. 01	1953	374		1957	246, 371		1953	381
	1957	246	287. 081	1957	246, 371		1959	321
283. 02	1951	441		1959	212	295. 07(1)	1949	344
283. 03	1945	470	287. 081(2)	1957	246		1953	381
	1947	374	287. 081(4)	1959	212	295. 07(2), (3)	1953	381
	1949	338, 339	287. 09	1955	197	295. 07(4)	1949	344
	1951	441	287. 10(2)	1955	797		1953	381
	1953	356	288. 01-			295. 08	1947	379
	1955	664	288. 11	1955	223, 502,		1949	440
	1957	435			702		1951	446
283. 04	1957	246, 435	288. 02(4)	1955	702		1953	381
283. 05	1955	61	288. 03	1957	766		1955	55, 87
283. 10	1949	338	288. 03(17)	1955	645	295. 09	1947	379
	1951	441	288. 03(20)	1955	223		1949	344, 440
	1955	61, 797	288. 09	1955	645		1951	446
	1957	246, 435	288. 10	1957	766		1953	381
	1959	212	288. 11(2), (3)	1955	223	295. 10,		
283. 21	1943	177	288. 13	1955	645	295. 12	1949	440
	1947	374	288. 15(9)	1955	645	298. 01	1949	221
	1953	374	288. 15(10) (a)	1955	898		1951	450
283. 22,			288. 17	1955	502	298. 11	1943	106
283. 23	1947	373		1957	672	298. 17	1955	553
284. 01	1945	470, 658	288. 18	1955	502	298. 22	1951	450
	1947	367, 375		1957	672	298. 24,		
	1949	340, 341	289. 03,			298. 26	1949	221
	1955	616	289. 04	1955	569	298. 35	1949	221
284. 02	1955	616, 924	289. 10	1955	569	298. 36	1945	453
284. 03	1945	658	289. 14(1)	1955	569		1949	221, 345
284. 04	1945	470, 658	291. 02	1943	275, 306		1951	448
	1947	367	291. 04	1945	474	298. 37	1949	221, 345
	1949	340	291. 07	1943	306	298. 38,		
284. 05	1945	470	291. 10,			298. 40	1949	221
284. 08	1949	341, 538	291. 11	1945	474	298. 401	1955	573
284. 09	1949	525	291. 24	1949	342		1959	459
284. 14	1949	341	292. 02	1945	476	298. 401(2)	1955	573
285. 01-				1949	447		1959	459
285. 03	1955	928	292. 03	1945	476	298. 41	1949	221, 242
285. 02	1953	358	292. 04	1945	476, 477		1951	448
285. 04-				1949	447		1953	235
285. 06	1955	928		1951	444	298. 42,		
285. 12	1955	928	292. 041	1951	444	298. 45	1949	221
286. 09	1945	471, 472	292. 05	1945	476, 477	298. 51	1943	106
	1955	49		1949	342		1949	221
286. 10-			292. 06	1945	476, 477	298. 54,		
286. 13	1945	471, 472		1947	377, 378	298. 57	1949	221
286. 14-				1949	447	298. 60,		
286. 16	1945	471, 472	292. 07	1945	476, 477	298. 61	1949	221
	1955	49		1947	377, 378,	298. 65	1943	106
286. 17	1945	471, 472			379	298. 66,		
	1951	442		1949	447	298. 67	1949	221
	1955	49	292. 08	1945	476, 477	298. 74	1955	608
286. 18	1945	471, 472		1949	343, 447	307. 01	1951	452

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
307.17	1949 290	317.12	1951 458, 460,	317.74	1951 462
309.01	1955 863		461, 481		1953 385, 388,
	1959 285, 293,		1953 389		412
	373	317.13	1951 458, 460,		1955 349
310.01	1957 383		481	317.74(4)	1955 349
	1957 841	317.14	1951 458, 460,		1957 293
	1959 131		481	317.74(12)	1953 388
310.03	1949 374	317.15	1951 458, 460,	317.75,	
	1957 841		481	317.76	1951 462
310.05	1949 347	317.15(1)	1957 676	317.76(2)-(4)	1955 497
310.10	1943 314	317.16	1951 458, 460,	317.77	1949 352, 360
310.26	1959 131		481		1951 462
310.27	1959 131	317.17	1951 458, 460,		1953 385
313.01	1953 383		481	317.78,	
313.04,			1955 649, 849	317.79	1951 462
313.05	1949 347, 348	317.18	1951 458, 460,	317.80	1951 462
	1955 770		481		1953 385
313.06,		317.19	1951 458, 460,	317.81	1951 462
313.08	1949 348		481		1955 497, 558
314.01	1953 383		1955 849	317.82	1951 462
314.03	1949 348	317.20	1943 310		1955 558
	1955 770		1945 481	317.83-	
314.05	1955 770		1949 71, 350,	317.85	1951 462
314.06	1949 348		371	317.86	1951 457, 462
314.07	1949 168, 348		1951 458, 460	317.87	1951 462
314.08	1945 480		1955 557	317.88	1951 462
314.09,			1957 377, 815	317.89	1951 462
314.10	1949 348		1959 100	317.90	1951 462
315.01	1959 602	317.20(1)	1955 649		1957 351
315.02	1959 602		1959 100	317.91	1951 462
315.03	1959 602	317.20(2)	1953 688	317.92	1951 462
315.04	1959 602		1959 100, 351	317.93	1951 462
315.05	1959 602	317.21	1945 132	317.94	1951 462
315.06	1959 602		1947 381		1955 558
315.07	1959 602		1951 454, 458,	317.95	1951 462
315.08	1959 602		460	317.96	1949 352
315.09	1959 602		1955 557		1953 385
315.10	1959 602	317.22	1947 381	317.99	1957 293, 351
315.11	1959 602		1949 350, 351	317.99(7)	1957 351
315.12	1959 602		1951 456	317.99(8)	1957 293
315.13	1959 602		1955 35, 557	318.03	1945 482
315.14	1959 602	317.22(1)	1949 351	318.05	1955 873
315.15	1959 602	317.22(2) (b),		318.06	1951 472
315.16	1959 602	(c)	1949 351	318.08	1951 463
317.01	1947 382	317.24	1949 350, 351	319.01	1951 463
	1949 351		1951 456, 462	319.02	1945 482, 483
	1951 458, 461,	317.37	1951 458	319.03,	
	481		1955 813	319.06	1945 484
	1953 388	317.37(1)	1955 813	319.07	1951 463
	1955 349	317.38	1951 458	319.08	1943 311
	1957 235		1957 454		1945 487
317.01(1)	1955 349	317.39	1951 458		1951 463
	1957 293, 351	317.40-			1953 392
317.01(2)	1955 557	317.42	1953 387	319.09	1951 463
317.01(11)	1955 399	317.44(1)	1957 559	319.13	1951 463, 464
317.01(12)	1951 426	317.44(3) (a)	1957 559	319.14	1947 392
	1957 559	317.44(3) (b)	1957 559		1951 464
317.01(17)	1953 388	317.46	1949 63	319.15	1943 387
317.01(22)	1949 350	317.47	1951 458		1945 483, 485
	1951 469	317.50(4), (5)	1953 388		1949 355, 356,
317.01(28)	1957 454	317.60	1945 481		357
317.04	1951 458	317.61	1947 382		1951 463
317.04(1)	1951 460		1953 388		1953 392
	1953 387	317.61(1)-(3)	1953 388		1955 500
317.04(1) (b)	1949 350	317.70	1949 63		1957 379
	1951 481		1951 454, 456	319.16	1943 312
317.04(3)	1951 454	317.71	1951 458		1951 464
317.04(4)	1957 293, 351	317.72	1949 350	319.17	1951 464
317.05	1951 460	317.73	1949 351	319.18	1949 358
	1957 559		1951 462		1951 464
317.07-			1953 385	319.19	1943 312
317.11	1951 458, 460,	317.73-			1951 464
	481	317.95	1955 497, 558	319.20	1951 463, 464,
					481

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
319.20 (cont.)	1953 394, 397	320.07 (cont.)	1953 397, 401	320.56	1957 364
319.21	1951 463, 464, 481	320.07(1)	1957 139	320.58	1957 24, 508
	1953 394, 395	320.08	1953 401	320.59	1949 361
	1957 407		1943 234		1957 44
319.22	1951 463, 464		1945 488, 490, 492	320.64	1959 563
319.23	1949 353		1947 387, 388	320.72(3)	1957 24, 508
	1951 463, 464		1949 246, 359, 362, 365	320.73	1949 360
319.23(5)	1953 395		1953 397, 398, 401		1945 490
319.24	1949 356, 357		1955 399, 758, 895	320.74	1947 390
319.24(2)	1951 463, 464			320.76	1949 359, 360
319.25	1957 379				1955 320
	1951 463				1943 311
	1957 717				1945 487
319.25(5)(a)	1957 717	320.081	1957 6, 93	321.01	1943 317
319.25(5)(b)	1957 717	320.084	1951 469		1945 495
319.26	1951 463	320.09	1951 474, 475		1947 41
319.27	1949 353, 356, 357	320.10	1943 234		1951 483
	1951 463, 464		1949 363, 365	321.01(1)	1953 407
	1953 392		1943 234, 287, 312, 313	321.01(2)	1955 399
	1957 48, 379		1945 487, 492	321.02	1943 317
319.27(3)	1957 379		1949 363, 365		1949 366
319.27(3)(b)	1957 379		1953 616		1951 483
319.27(3)(c)	1957 379	320.11	1957 14		1953 369, 407
319.28	1949 353, 354, 355, 358	320.13	1945 334	321.03	1955 343, 797
	1951 463, 464, 713		1947 382, 383	321.04	1945 495
	1955 500	320.14	1949 359	321.05	1955 392, 395
319.28(1)	1949 358	320.15	1953 398, 400		1943 316, 502
319.29	1949 358	320.16	1957 407		1945 494, 496, 739
	1951 463		1947 387		1947 381, 385
319.30,		320.17	1955 320		1949 61
319.31	1951 463	320.20	1949 379		1951 454, 477, 479
319.32	1949 358		1953 519		1953 28, 389, 408
	1951 463		1949 365		1955 343, 492, 800, 849
319.33	1951 463	320.21	1949 246		1957 559
319.34	1951 463	320.22	1951 472		1959 10
	1953 394, 397		1955 579	321.05(1)	1957 559
320.01	1943 316	320.23	1945 487	321.05(4)	1947 385
	1945 488, 490	320.25	1955 579		1949 364
	1947 392	320.27	1949 218, 363		1953 28, 699
	1949 362, 363, 364, 365		1957 24, 508		1955 196
	1955 149	320.27(2)	1949 364		1957 364
	1957 6, 93	320.29	1951 468	321.05(4) (a)	1953 409
	1959 698	320.32	1953 400		1955 123
320.01(1)	1953 394	320.36	1947 261, 391		1957 741
320.01(5)	1949 362, 364	320.37	1945 491	321.05(4) (b)	1959 674
	1953 394		1945 489		1953 409
320.01(6)	1949 362, 364		1947 387, 391		1957 741
320.01(8)	1947 383		1949 218, 363	321.05(11)	1951 481
320.01(15)	1949 365		1951 466, 470	321.06	1951 483
320.01(16)	1949 365	320.38	1953 397, 402	321.07	1955 343
	1955 758		1943 315	321.14	1951 483
	1959 671		1945 489	321.15	1951 483
320.01(19)	1949 365		1949 218, 358, 363	321.16	1953 404
	1953 398		1951 466, 467, 470		1953 404
320.02	1947 388		1953 397, 402	321.17	1955 623
	1953 397	320.39	1949 359, 364		1951 479, 483
	1955 399		1951 485	321.17(3)	1953 404
320.03	1943 215		1959 65	321.18	1947 386
	1949 365	320.40	1947 383, 390	321.19	1953 404
	1953 126		1949 352	321.20	1951 483
	1955 774		1947 383		1947 386
320.04	1943 214, 215	320.40(5)	1945 334	321.221	1953 404
	1945 494	320.43	1955 557	321.24	1955 417
	1949 365	320.50	1945 488	322.01	1957 238
	1955 821	320.51	1949 365		1945 488
320.04(1)	1955 774, 821		1949 350	322.01(1), (2), (6)	1955 399
320.05	1953 126	320.55	1951 458	322.01(7)	1949 369
320.07	1949 252				

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
322. 01(10)	1949 372	322. 29 (cont.)	1955 605	324. 04(2)	1947 393
322. 02	1943 317	322. 31	1959 364		1949 368, 375
	1959 364	322. 31(1)	1959 364		1951 487
322. 03	1949 368, 375	322. 311	1959 364		1955 282, 358,
322. 03(1)	1955 399	322. 32	1955 101		394, 401,
322. 04	1943 318		1957 292		521
	1955 521	322. 33	1957 292	324. 04(2) (a)-	
322. 05	1945 498	322. 34	1945 498	(f)	1955 358, 394,
	1947 393		1947 393		401
	1949 370		1949 372	324. 04(2) (a)-	
	1955 605		1955 101	(g)	1955 282
322. 05(1)	1955 605	322. 39	1943 318	324. 04(2) (b)	1955 83
322. 05(6), (7)	1947 394		1949 368, 371,	324. 04(2) (c)	1949 378
322. 06	1943 318		375		1955 394
	1949 370		1955 605	324. 04(2) (d)	1955 83
322. 09	1949 370	322. 41	1949 371, 372	324. 04(2) (f)	1949 375
	1955 188	322. 42	1949 371		1955 83
322. 09(3)	1947 336	323. 01	1953 412	324. 04(2) (g)	1955 83
322. 13	1957 292	323. 01(7)	1955 404	324. 04(3)	1955 358
322. 15	1947 393	323. 03	1945 504	324. 041	1949 373, 481
	1949 369, 370		1957 216		1955 83, 282,
	1955 101		1959 696		358
322. 16	1945 497	323. 04	1945 504	324. 042	1955 401, 814
	1953 43		1959 696	324. 05	1949 368, 373,
322. 16(1), (2)	1955 605	323. 05	1945 492		481
322. 16(3)	1947 393		1949 373, 481		1955 358
	1953 43		1957 216	324. 051	1959 660
322. 16(4)	1953 43	323. 05(3)	1959 696	324. 051-	
322. 18	1947 394	323. 06	1949 373, 481	324. 271	1955 401
	1949 372	323. 07	1959 634	324. 051(1)	1957 663
322. 21	1945 496	323. 15	1951 479, 484,	324. 051(2)	1955 521
	1949 246		485, 486		1957 44, 508,
	1955 820		1953 412		514, 746,
322. 21(2), (5)	1949 368		1955 404		893
322. 221	1957 508		1959 634, 671	324. 051(2) (f)	1959 311
322. 23	1955 521	323. 15(1)	1959 671		1955 814
	1957 364	323. 16	1953 412		1957 746
322. 24	1949 371	323. 21	1957 198	324. 06	1949 373, 481
322. 25	1949 371, 372,	323. 22	1945 504	324. 061	1955 814
	610	323. 25	1953 412		1957 24, 508
	1953 410, 411	323. 29(1)	1959 671	324. 061(2) (c)	1957 746
	1955 101, 521	324. 001	1949 373	324. 071	1959 660
	1957 224		1951 487	324. 08	1949 373, 481
322. 25(2)	1949 372		1955 358, 401	324. 08(1), (2)	1955 521
	1953 185, 410	324. 01	1949 373, 481	324. 081	1957 893
322. 25(3)	1953 410		1957 44		1959 660
	1957 224, 364	324. 01(7)	1955 83, 282,	324. 10	1951 395
322. 26	1945 497		358	324. 101	1959 660
	1949 372	324. 011	1957 24, 746	324. 111	1955 814
	1953 185, 410	324. 032	1955 401		1957 76, 746
	1955 101	324. 02	1949 373, 375,	324. 121	1957 746, 893
	1957 377		376, 481		1959 311
322. 26(1)	1953 410		1955 83, 358	324. 121(1)	1957 746
322. 26(2)	1957 377	324. 021	1955 814		1959 660
322. 26(3)	1949 368		1957 347	324. 121(2)	1959 311, 660
	1953 410		1959 660	324. 13	1955 401
322. 26(4)-(7)	1953 410	324. 021(4)	1957 917	324. 131	1957 564, 893
322. 27	1945 498	324. 021(7)	1955 521, 814		1959 311
	1949 372		1957 893	324. 14	1949 373, 481
	1953 43, 185		1959 311	324. 141	1955 814
	1957 24, 292,	324. 021(10)	1957 893		1957 746
	508	324. 021(11)	1955 521		1959 660
	1959 336, 351	324. 03	1949 373, 481	324. 15	1957 508
322. 27(2)			1951 487	324. 151	1957 24, 508
(a)-(c)	1959 336	324. 03(2) (b)	1955 282		1959 660
322. 27(2) (e)	1959 336	324. 031	1955 814	324. 16	1947 393
322. 28	1945 498		1959 311, 660		1949 373, 481
	1957 565	324. 04	1947 393	324. 161	1955 814
	1959 364		1949 373, 378,	324. 17	1951 487
322. 28(2) (a)	1959 364		481	324. 171	1957 347, 917
322. 28(2) (b)	1959 364		1951 481, 487	324. 18	1949 373, 481
322. 28(2) (c)	1959 364		1955 358, 401		1955 401
322. 29	1949 369		1957 663	324. 19	1949 373, 375,
					481

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
324. 19 (cont.)	1955	401, 733	340. 03	1953	412	343. 03	1951	496
324. 201	1955	521, 712,		1957	28	343. 05	1947	398
		733	340. 04	1953	412		1949	393
	1957	583	340. 04(2)	1953	417	343. 06	1945	236
324. 21	1955	733		1955	430		1947	147
324. 211	1955	814	340. 04(3) (b)	1957	28		1949	181
324. 221	1955	521, 712,	340. 05	1953	412	343. 07	1947	147
		733		1955	27	343. 08	1949	393
	1957	583	340. 06	1953	412	343. 09	1949	393
327. 07	1947	405		1955	231		1951	496
327. 28	1949	410	340. 06(13)	1955	61, 231	343. 12	1945	236
330. 06-			340. 07	1953	412		1949	181
330. 26	1959	169	340. 07(5)	1953	417	343. 14	1949	393
330. 06(1)	1949	379	340. 08-			343. 15	1949	393
330. 06(3)	1951	493	340. 20	1953	412		1951	496
330. 10	1959	169	340. 21	1953	412	343. 17	1947	398
330. 11	1949	379		1955	168		1949	392, 393,
	1959	169	340. 22	1953	412			394
330. 13	1949	379	340. 23	1953	412		1951	42, 240,
330. 23	1959	169		1955	836			498
330. 23(1)	1959	169	340. 23(2)	1955	836		1953	180
330. 35	1947	441	340. 24,			343. 18	1947	139
331. 04	1943	180	340. 25	1953	412	343. 25	1951	496
331. 11	1947	441	340. 26	1953	412	344. 03	1955	695
332. 01	1945	500		1955	27	344. 12	1955	695
	1953	415	340. 27	1953	412	344. 17	1943	323
332. 01(1)	1953	415		1957	28		1951	246
	1959	372	340. 27(1), (3)	1953	418		1955	695
332. 02	1945	500	340. 28-			344. 171	1955	695
	1959	372	340. 33	1953	412	344. 26	1953	11
332. 02(2)	1953	415	341. 01	1953	421		1955	898
	1959	372	341. 03	1945	502	344. 261	1953	11
332. 05	1949	214	341. 08	1949	381		1955	898
	1959	178	341. 09	1949	171, 380	345. 01	1945	453
332. 08	1945	500		1953	408, 418	347. 08	1943	206
334. 02(8)	1959	399	341. 10	1953	421	347. 19	1955	369
334. 02(9)	1959	372	341. 11,			348. 01	1949	393
334. 03(5)	1955	388	341. 13	1949	383	349. 01-		
334. 03(14)	1955	364	341. 14	1943	321	349. 17	1955	425
335. 01,				1949	187, 380,	349. 05(1), (3)	1955	898
335. 02	1955	388			381, 382,	349. 05(3)	1957	121
335. 03	1959	399			385	349. 07	1955	898
335. 06	1959	665		1953	421	349. 12	1955	425
335. 06(3)	1959	664	341. 141	1949	381, 382	349. 14	1957	81
336. 01	1957	357		1953	369	350. 66	1945	504
	1959	103, 199	341. 15	1949	185, 187,	351. 59	1949	332
336. 02	1955	388			381, 382,	352. 57	1953	451
	1957	357, 586			384	354. 01	1957	884
	1959	103, 199		1953	369	360. 04	1945	506
336. 07	1955	388	341. 16	1943	321	362. 01	1959	126
336. 08	1959	199		1949	380	364. 31(1)	1955	613
336. 09-			341. 19	1949	380	365. 01(4)	1949	395
336. 39	1957	373	341. 20	1949	380	365. 02	1949	395
336. 15	1959	555		1955	5	365. 08	1955	613
336. 19	1951	400	341. 21	1943	321	365. 12	1949	395
337. 11	1959	191	341. 24	1949	381	365. 13	1949	395
337. 12	1957	755	341. 25	1943	321	365. 14	1949	395
337. 17	1955	264	341. 38	1949	381		1955	613
337. 31	1957	373	341. 40,			367. 03	1959	344
338. 01	1959	372	341. 42	1949	381	367. 06(1)	1959	344
338. 01(2)	1959	399	341. 62	1945	502	367. 12	1959	344
338. 02	1959	372, 399	341. 621	1945	502	367. 19	1959	344
338. 17-				1949	380	367. 23	1959	344
338. 21	1959	126	341. 621(1),			370. 02	1953	435, 444
338. 19	1959	126	(4) (c)	1949	383	370. 02(7)	1953	442
338. 19(1)	1959	126	341. 64	1949	380		1959	327
339. 09(1)	1957	586	341. 66(3)	1949	574	370. 02(11)	1953	433
339. 23	1957	110	341. 70	1949	185, 381,		1955	844
339. 25	1955	800			382	370. 03	1955	180
339. 29,			341. 81	1951	479, 494		1959	583
339. 31	1955	800	343. 01	1945	236	370. 03(1)	1959	583
340. 01	1953	412		1947	147	370. 03(2)	1959	583
340. 02	1953	412		1949	181, 393	370. 06	1955	225
				1951	497		1959	327

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
370.06(1)	1955 225	372.39	1949 405	373.03	1955 172
	1959 277	372.56	1949 570	373.05	1949 408
370.06(2)	1959 277	372.57	1947 404	373.06	1943 333, 338,
370.06(3)	1959 277		1949 397, 404,		339
370.07	1953 443		407		1949 408, 409
	1955 210		1951 506, 508,		1951 512
370.07(1)	1953 443		509	373.07	1945 511, 514
370.07(1)(a),			1953 432		1949 347
(b)	1953 443		1955 619, 667	373.08	1957 707
370.10(2)	1957 707	372.57(2)	1949 397	373.10	1945 514
370.12(2)	1957 707	372.57(3)	1949 397, 407		1947 400
370.13,		372.57(4)	1949 397, 404,		1951 509, 512
370.14	1953 441		407	373.10(1)	1955 225
370.14(1),		372.57(5)	1949 397	373.16,	
(2)	1953 441	372.57(11)-		373.17	1947 401
370.16(33)	1953 435	(15)	1955 667	373.25	1947 400
371.01	1949 408	372.57(15)	1949 397		1951 512
	1951 502	372.57(16)	1953 423	373.26	1943 337
371.01(11)	1943 327	372.573	1953 424	374.10	1943 333
371.011-		372.574	1959 232	374.12	1947 406
371.181	1959 211, 327	372.574(2)	1959 232	374.13	1949 412
371.02	1959 583	372.574(6)	1959 232	374.14	1945 511, 514,
371.03	1945 509	372.574(8)	1959 232		517
371.04	1947 402	372.60	1953 423		1951 512
	1949 408, 574	372.62	1953 423	374.15	1945 511, 517
	1951 502		1955 17	374.16	1951 515
371.051	1959 277	372.63	1949 404	374.18	1951 517
371.051(1)-(3)	1959 277		1953 423, 638		1957 707
371.051(2)	1959 211		1955 765, 839	374.20,	
371.09	1945 508		1959 277	374.21	1945 514
371.121	1959 211	372.64	1951 506	374.23	1943 327, 337,
371.14	1949 397		1953 423		338
371.161	1959 327		1955 839	374.27	1943 334
371.19	1947 405		1959 277, 327	374.29	1943 334, 339
	1949 397	372.65	1949 401	374.30	1943 338
371.25	1947 405		1951 506		1945 516
371.29	1949 397		1953 423		1951 509
371.30	1951 509		1955 210, 284	374.30(3)	1949 410
371.50-			1957 790	374.30(5)	1951 512
371.61	1959 327		1959 365	374.31	1945 516, 517
372.001	1953 432	372.66	1949 407		1947 408
	1955 397		1953 423		1949 410
372.001(1)	1955 619		1955 667		1951 509
	1957 790	372.71	1943 331	374.32	1945 517
372.001(11),			1949 403		1949 410, 412
(12)	1953 639	372.72	1943 332		1953 440
372.02	1949 408		1945 511	374.33	1945 516
372.021	1955 286		1949 398, 399,	374.36	1947 409
	1957 153		401, 404	374.38	1949 411
372.03	1949 398		1955 172	374.41	1943 327, 337
372.07	1945 508		1959 551	375.01	1949 408
	1949 398, 399	372.73	1949 402	375.15	1943 339
	1951 504		1953 425		1945 518
	1953 425, 442	372.74	1953 424	375.20	1945 518
	1955 29		1955 847		1949 410, 413
	1957 153	372.76	1949 570	375.27	1949 410
	1959 348		1953 425	375.29-	
372.09,		372.78	1949 397	375.32	1949 410
372.10	1947 403	372.79	1943 331	375.34-	
372.11	1945 509	372.82	1949 405	375.40	1949 408
372.12	1949 221, 345,	372.83	1945 508, 734	375.41	1949 408, 410
	400, 408		1949 398, 401,	375.42-	
	1951 509		406	375.47	1949 408
372.16	1955 839		1953 425	376.07	1949 595
372.16(1), (2)	1955 839		1955 546	377.22	1955 457
372.19	1945 509		1957 596		1957 896
	1949 221	372.84	1945 734	377.24	1945 513
372.20	1947 405		1949 401	377.27	1957 896
	1951 506		1955 546	378.01-	
372.26	1959 365	372.85	1949 400, 403	378.05	1951 517
372.31	1947 405	373.01	1951 512	378.08	1951 517
	1949 406	373.02	1949 408	378.13	1959 598
372.35	1949 570		1951 512	378.13(1)	1959 598

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
378. 13(3)	1959	622	381. 67	1945	500	388. 381	1959	216
378. 15(3)	1959	598, 622	381. 71	1957	474	389. 05	1955	515
378. 16	1951	517				389. 13	1953	364
378. 20	1959	622	381. 72	1951	521	389. 13-		
378. 29	1951	295	382. 06	1951	522	389. 21	1955	250
	1959	622	382. 08,			389. 14	1953	364
378. 331	1953	446	382. 09	1949	415, 614,		1955	250
378. 43	1959	622			615	389. 151		
378. 44	1953	446	382. 10,			389. 18	1953	364
379. 02,			382. 11	1949	415, 614,	389. 18(1)	1955	250
379. 04	1953	122			615	389. 19	1953	364
380. 01-				1951	522	389. 20	1953	364
380. 03	1945	520	382. 14	1947	418		1955	250
381. 011	1955	333	382. 21,			389. 21	1953	364
381. 03	1957	729	382. 22	1943	353	390. 02-		
381. 031	1955	333, 457	382. 23	1947	418	390. 09	1949	418
381. 031(1) (b)	1959	278	382. 25	1945	106	390. 07-		
381. 031(1)				1947	418	390. 10	1957	240
(g) 3.	1959	278	382. 26,			390. 12	1959	487
381. 031(4) (e)	1959	59	382. 33	1947	418	390. 14	1955	130
381. 031(6) (g)	1959	278	382. 35(3),			390. 16	1957	877
381. 051	1955	333	(5), (7), (8)	1955	687	390. 162	1955	782
381. 061	1955	333	382. 47	1945	521	390. 162(1),		
381. 062	1955	333	384. 04	1943	349	(3)	1955	782
381. 071	1955	333		1945	522	390. 18	1949	418
	1959	278	384. 05	1943	354, 355		1955	515, 782
381. 081	1955	333	384. 06	1947	420	391. 01	1943	370
	1959	59	384. 07	1943	354, 355		1947	421, 422,
381. 091	1955	333	384. 08	1943	349			554
381. 101	1955	333		1945	522		1955	440, 512
381. 121	1955	333	384. 09	1943	354, 355	391. 03	1945	472
381. 141	1955	333	384. 10	1947	420	391. 04	1955	440
381. 16	1949	262, 265,	384. 12,			391. 05	1947	421
		324, 408	384. 13	1943	354		1955	440, 512,
381. 17	1943	341	384. 14	1943	353			577
	1947	415		1945	119, 522	391. 06	1947	421
381. 171	1955	877		1959	39		1955	512
	1957	474	384. 15	1943	353	391. 07	1947	421
381. 171(1)-			384. 16	1943	352, 353		1951	487
(3)	1957	474		1945	119		1953	449
381. 171(2)	1955	877	384. 17	1943	353		1955	440
381. 191	1955	873		1945	522	391. 08	1947	421
381. 20	1943	341, 354		1949	415	391. 09	1945	523
381. 251	1955	457	384. 18	1943	353	392. 01	1947	121
381. 391	1955	333		1945	119, 522	392. 02	1945	526
381. 411	1955	800		1949	415		1947	431
381. 421-			384. 19	1943	353		1949	419
381. 571	1957	877	386. 01,				1953	454
	1959	216	386. 02	1943	357	392. 04	1949	419
381. 43	1947	412	386. 03	1943	357		1951	524
	1949	400, 414		1949	416		1955	167
381. 45	1949	414	386. 04	1943	357	392. 05	1951	525
381. 49	1943	175, 351,		1949	416	392. 06	1953	27
		354	386. 05-			392. 07	1949	419
	1945	566	386. 09	1943	357		1951	523, 525
	1947	415, 430	388. 01	1955	515		1953	451, 457
	1949	414, 493	388. 021-			392. 07(1), (2)	1953	451, 453
381. 50	1943	175	388. 061	1959	216	392. 07(4)	1951	524
	1945	566	388. 061	1959	487	392. 10	1947	429
	1947	342	388. 081	1959	216	392. 12	1945	524
	1949	414	388. 091	1959	216		1951	524
381. 51	1945	566	388. 101	1959	216, 487	392. 13	1947	429
	1947	430	388. 121	1959	487		1949	420
381. 52-			388. 15	1949	417	392. 14	1945	524, 525
381. 55	1945	566	388. 161	1959	216		1949	419
381. 56	1945	566	388. 17	1955	515		1953	454
	1947	430	388. 191	1959	216		1955	167
	1949	200	388. 211	1959	216	392. 15	1949	419
381. 57	1945	566	388. 221	1959	216	392. 17	1949	420
381. 58	1945	566	388. 241	1959	216		1951	523, 526
	1947	430	388. 261-			392. 18	1949	420
	1949	414	388. 281	1959	216		1951	523, 526
381. 59	1945	566	388. 281	1959	216	392. 19-		
	1949	414	388. 371	1959	216	392. 23	1949	420
							1951	526

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
392.241	1955	167	398.02(5)	1943	367	409.15 (cont.)	1949	434
392.25-			398.05	1943	367	409.16	1943	370, 372
392.28	1951	526	398.08	1943	401		1945	547
392.29	1951	526	398.13,				1951	536
	1953	455, 457	398.14	1955	16	409.16(3)	1953	467
392.30-			398.18	1943	365	409.17	1943	370, 371
392.36	1951	526		1947	432		1945	547
393.02	1943	303		1949	324, 425		1947	352
393.03-				1959	39		1951	536, 537
393.06	1945	530	398.18(4)	1949	425		1955	697
393.09	1945	529	398.18(5)	1947	432	409.17(1)	1947	352
393.11	1945	528, 530	398.21	1943	366	409.17(3)	1953	461
	1947	428		1947	432	409.17(3)		
	1959	557	398.22	1943	365	(a)-(d)	1953	461
394.01	1947	426		1953	491	409.17(4) (a),		
394.012	1957	52	398.24	1955	16	(b)	1953	461
394.02	1947	426	399.01	1951	527	409.18	1943	370
394.031	1955	459	399.04	1951	549		1949	427
394.05	1943	303	399.09	1949	337, 628		1951	529, 531
394.09	1945	126, 537		1951	549	409.182	1951	532, 574
394.10	1943	362	399.11	1949	337		1955	64, 107
394.121-				1951	549	409.19	1943	370
394.123	1957	332	399.13	1951	527		1953	128
394.122(2)	1957	787	399.14	1949	337	409.22	1943	369
394.20	1943	361		1951	527		1945	544
	1945	531, 534,	400.01	1953	466	409.24	1943	369
		536, 537,	400.38(5)	1943	379	409.26	1943	371
		538, 784	401.01	1959	731		1947	433, 434,
	1949	422, 424	401.02(6)	1959	731			435
394.21	1943	359, 361	401.06	1959	39		1949	340, 434
	1945	531, 534,	401.13	1959	39		1955	639, 697,
		537, 538	401.14	1959	39			775
	1949	424	401.161(1) (a)	1959	731	409.26(10)	1947	434, 435
394.22	1943	360, 361	401.161(1) (b)	1959	731		1955	775
	1945	531, 534,	402.07	1955	848	409.271	1947	433
		537, 538,	402.08	1955	760	409.272	1949	428
		784	409.01	1953	461		1953	149
	1949	424	409.02	1943	370, 372	409.29	1943	372, 373
	1959	421, 537		1945	540	409.30	1943	372, 373
394.22(1)	1959	421		1953	462		1955	807
394.22(3)	1947	424		1955	832	409.31	1945	544
394.22(7) (b)	1959	421		1959	610	409.33	1959	610
394.22(7) (c)	1959	421	409.02(1)	1955	832	409.34	1955	639
394.22(15)	1957	744		1959	610	409.36	1951	529
394.22(15) (a)	1957	744	409.02(2)	1959	145, 610,		1955	876
394.22(15) (e)	1957	744			731	409.36(1),		
394.22(16)	1957	744	409.03	1943	369, 370	(2)	1955	876
394.23	1945	126, 531,		1945	539, 540	409.37	1953	465
		534, 538		1947	438	409.38	1953	464, 466
	1949	422		1949	186	409.40	1955	476
	1959	537		1951	487	409.40(9)	1955	476
394.23(2)	1953	450		1959	710	414.12	1959	145
394.24	1943	361	409.04	1945	539, 540	415.01	1943	375
	1945	530, 534		1959	710		1945	550, 764
	1947	428	409.05	1945	539		1947	25, 438
394.25	1943	361, 362		1947	438		1949	430, 431,
	1945	534, 537		1959	710			432, 447
394.26	1943	360, 361	409.07	1943	370	415.01(1),		
	1945	534, 537	409.08	1943	370	(2)	1947	428
	1947	424		1949	426	415.02	1949	431
394.27	1943	359, 361	409.08-				1951	70
	1945	528, 531,	409.10	1955	691	415.03	1949	432
		535, 537	409.09	1943	370	415.04	1943	375
	1947	422, 423,		1949	420, 426		1949	432
		424	409.10	1943	370, 371,	415.05-		
	1949	421, 422,			372	415.07	1949	432
		423, 491		1949	429	415.08	1945	128
	1959	557	409.11	1943	370		1949	432
394.30	1949	177		1957	625	415.09-		
394.32,			409.111	1951	536	415.15	1949	432
394.33	1949	177		1957	625	415.17	1943	373, 375,
397.27	1945	532, 538	409.12-					376
398.02	1957	815	409.14	1943	370		1945	539, 540,
398.02(1)	1943	401	409.15	1943	370			760, 764

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
415. 17 (cont.)	1947	428	421. 13	1949	474	440. 20(1)	1957	919
	1949	432, 430	421. 27	1955	322	440. 21(2)	1953	478
415. 18	1949	432	421. 29	1957	776		1957	384
	1951	70	421. 29(1)	1957	776	440. 22	1955	534
415. 19	1943	373	421. 30	1955	322	440. 24(1)	1953	480
	1947	438	421. 43,			440. 25	1959	125
	1949	432	421. 44	1943	377	440. 25(3) (b)	1957	503
415. 19(12)	1947	438	421. 49	1943	377	440. 33(1)	1959	627
415. 20	1943	373, 375,	423. 01	1949	474	440. 38	1957	158
		376		1955	52, 322,	440. 38(1)	1943	379
	1945	539, 550,			697	440. 38(1) (b)	1957	158
		768	423. 02	1949	474	440. 38(b)	1951	554
	1949	432		1955	52, 322	440. 38(5)	1947	281, 448
415. 21	1945	549, 550,		1957	141		1949	437, 440
		764, 768	423. 03	1955	52		1953	477
	1947	437		1957	141	440. 38(5) (b)	1949	441
	1949	430, 432	440. 02	1949	439, 441	440. 41	1947	445
	1957	850		1951	543	440. 43	1957	65
415. 22	1947	25		1955	520	440. 44	1945	157, 472
	1949	432		1958	723, 674		1951	547
415. 23,				1959	615, 739	440. 44(3), (4)	1949	440
415. 24	1949	432	440. 02(1)	1943	379	440. 44(4)	1959	330
415. 25	1943	373		1947	445	440. 44(4) (a)	1949	441
	1949	432		1949	436, 439		1959	330
415. 26	1945	539		1953	477	440. 44(4) (b)	1949	441
	1947	160		1957	723	440. 44(4) (c)	1949	441
	1949	432		1959	97	440. 50	1949	337, 628
415. 27	1943	373	440. 02(1) (c)	1957	674		1951	547, 549,
	1949	432	440. 02(2)	1947	445			556
415. 28	1943	373, 376		1949	436, 438,		1957	19, 503
415. 31	1951	70			439	440. 51	1949	437
416. 03	1951	487		1951	545		1955	134, 670
416. 04	1957	191		1953	477		1957	205
416. 06	1951	487	440. 02(2) (a)	1957	674		1959	634
416. 07	1945	540		1959	739	440. 51(1)	1957	205
	1951	487	440. 02(3)	1957	723	440. 51(1) (b)	1943	232
416. 08	1945	540	440. 02(4)	1943	379	440. 51(2)	1957	205
417. 01	1955	340		1945	555	440. 51(3) (e)	1955	134
417. 03	1951	487		1947	448	440. 51(5)	1943	232
417. 04	1955	580	440. 02(8)	1957	723		1955	134
417. 21	1949	350, 351,	440. 02(12)	1949	439		1957	205
		601	440. 03	1945	555	440. 52	1957	158
418. 02	1949	177, 433		1949	441	440. 54,		
	1953	147	440. 04	1957	65	440. 55	1945	554
	1957	925	440. 04(2)	1953	477	440. 56	1959	76, 615
418. 05	1951	379		1957	674	440. 56(2)-(10)	1959	76
418. 08	1947	78	440. 04(3)	1957	674	440. 56(10)	1959	330
420. 02	1945	553, 774	440. 05	1943	380	440. 57	1951	554
	1947	441		1945	555	443. 02	1955	205
	1949	434		1949	441		1959	224
	1955	223		1953	477, 478	443. 03	1945	157
420. 03	1949	434		1957	65, 384,		1955	947
420. 04	1945	533, 774			674	443. 03(1), (3)	1949	444
	1949	434		1959	615	443. 03(7) (a)	1943	381
420. 06	1945	553, 774	440. 06-				1955	205
	1949	434, 510	440. 08	1957	65	443. 03(7) (a)		
420. 06(3)	1947	441	440. 09	1951	540	(1)	1955	205
420. 06(7)	1945	520		1955	534	443. 03(7) (d)	1943	381
420. 08,			440. 09(3)	1947	448		1949	445
420. 09	1945	553, 774	440. 09(4)	1953	474	443. 03(7) (h),		
420. 11	1945	520, 553,		1955	534	(7) (h) (2)	1955	205
		774	440. 12	1949	436	443. 03(13)	1955	699
	1947	442		1957	74	443. 04	1945	558
421. 02	1949	474	440. 13	1949	440		1959	224
421. 03	1943	377	440. 13(1)	1945	556	443. 04(2)	1949	444
	1951	538		1947	448		1959	224
	1957	776	440. 13(3) (a)	1957	503	443. 04(2) (a)-		
421. 04(a), (b)	1943	377	440. 15(3)	1957	919	(c)	1959	224
421. 04(9)	1943	377	440. 15(5)	1957	384	443. 04(2) (d)		
421. 05	1955	322	440. 15(5)			1. -4.	1959	224
421. 08	1955	322	(d) 1.	1957	384	443. 04(3)	1949	444
421. 09,			440. 15(5)			443. 04(4)	1949	444
421. 10	1951	538	(d) 3.	1957	384	443. 04(4) (a)	1959	224
421. 11	1957	776	440. 15(5)			443. 04(4) (b)	1959	224
421. 12	1955	322	(d) 4.	1957	384	443. 05	1959	224

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
443.05(5)	1959	224	449.02(2)	1949	446	458.05(1)	1955	591
443.06	1947	444		1951	570	458.05(2)	1955	297, 591
443.06(1), (2)	1945	560		1955	481	458.06	1945	566
443.06(5)	1945	558		1957	723	458.07	1945	440, 566
443.07	1945	560	449.02(5)	1957	185		1949	451
443.08	1943	383, 389	449.02(6)	1955	481	458.08	1947	460
	1949	444	449.05	1949	446		1955	297, 591
	1951	562	449.07	1957	185	458.08(3)	1955	297
443.08(3)	1943	389	449.08	1949	438	458.081	1957	53
	1947	444		1951	570	458.081(2) (a)	1957	53
443.09	1945	560		1955	481	458.09	1943	346
	1955	205	449.11	1949	337, 628		1947	460
443.09(1), (3) (h)	1943	389		1951	549		1955	591
443.10	1951	566	449.13	1959	125	458.10	1955	749
	1953	481	450.02,			458.11	1955	591
	1957	68	450.03	1943	396	458.12	1951	575
443.11	1943	383	450.04	1943	396	458.12(2)	1955	165
	1945	560		1945	554	458.13	1943	346
	1951	547	450.05	1945	562		1945	564
	1957	723	450.071	1957	455		1947	262
443.11(1)	1949	440		1959	322		1949	440
443.12	1943	383	450.08	1943	395, 396		1951	315, 574
	1945	557, 560	450.08(1) (a), (g)	1943	396		1953	488
	1951	556	450.08(3) (c)	1943	396		1955	463, 467
443.12(1)	1943	383	450.121	1957	723	458.13(1)	1953	488
443.12(2)	1943	383	450.23	1943	398, 447		1955	463, 467,
	1957	74		1949	447, 495			911
443.12(3)	1943	383	453.02	1949	447	458.13(2) (h)	1959	13
443.12(4)	1949	440, 445	453.02(1)	1949	447, 448	458.13(3)	1955	467
	1955	505	454.05	1953	116	458.15(2) (c)	1945	165
443.12(7)	1943	383	454.19	1949	449	458.21(1)	1955	567
443.12(11) (b)	1951	566	455.02	1949	450	459.01	1951	591
443.13	1951	547, 556	455.04	1953	491	459.05	1951	574
	1957	723	455.06	1955	660		1953	116
443.14	1951	547, 556		1957	37, 917	459.06	1959	64
	1953	481	455.06(3)	1957	37	459.07	1959	64
443.14(1)	1957	74	456.02	1945	563, 564		1943	346
443.14(2)	1949	443		1947	450		1947	579
	1957	74	456.02(1)	1957	536		1959	64
443.14(3)	1949	443	456.02(2)	1959	13	459.08	1959	64
443.14(4)	1949	443	456.03	1943	400	459.081(1)	1959	64
443.15	1943	383		1945	563, 564,	459.09	1943	346
	1945	560			566		1947	579
	1947	446		1947	121, 449		1949	450
	1949	443		1957	536	459.10-		
	1951	340	456.04	1945	564	459.12	1947	579
	1953	481		1959	13	459.13	1943	347
443.15(2)	1953	481	456.05	1945	563		1947	579
443.15(3)	1949	549	456.06	1947	450	459.14	1951	575
	1953	481	456.08	1957	771	459.19	1945	568
443.15(3) (a)	1943	387	456.10	1943	399		1949	451
	1953	481		1953	487	459.20	1945	568
443.16(2)	1943	383	456.13	1957	771, 845	459.21	1953	199, 489
443.18	1947	444	456.17	1957	353, 845	460.01-		
443.18(3), (4)	1951	566	456.20	1947	262	460.03	1949	452
443.20	1959	224	456.22	1945	564, 566	460.04	1949	452
446.07	1957	283	457.01	1945	556		1953	116
446.08	1951	568	457.02	1949	450	460.05,		
446.09	1951	568		1945	556	460.06	1949	452
446.12	1957	283	457.03	1945	556	460.06	1957	815
447.09(11)	1955	433	457.04	1949	450	460.07	1949	452
447.14	1955	433	457.06,	1945	556		1951	575
448.06	1957	432	457.07	1945	556		1957	815
448.06(4)	1957	432	457.08	1943	346	460.08-		
	1959	627		1945	556	460.10	1949	452
449.01(1)	1951	570	457.09	1945	556	460.11	1947	262
	1957	723	457.91	1943	401		1945	569, 599
449.01(1)	1951	570	458.01	1947	460		1949	452
	1955	481	458.04	1945	367		1951	574, 579
449.01(5)	1951	570		1949	451		1955	845
	1955	481	458.05	1945	564	460.11(2),		
449.02	1957	723		1951	337	460.11(2)(a)	1955	845
				1955	467	460.11(2) (b)	1959	64
						460.11(3)	1955	845

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
460. 12	1947 262	464. 041	1951 581	470. 10	1945 581, 582,
	1949 452	464. 05	1947 458		584
460. 13	1947 542	464. 051	1951 581		1949 457
	1949 452	464. 07	1945 575		1957 769
460. 14-			1947 459	470. 10(5)	1957 769
460. 22	1949 452		1949 453	470. 13	1945 581, 582,
460. 23	1949 452	464. 08	1945 575		584
	1955 505	464. 09	1943 404	470. 21	1945 581
460. 24-			1949 452		1949 457
460. 26	1949 452	464. 11	1945 575	470. 22	1955 869
460. 27	1945 570	464. 15	1945 574	470. 23	1945 581, 582,
	1955 360	465. 02	1949 454		584
	1957 889	465. 02(1)	1947 460		1947 418
461. 01	1943 401		1953 494	470. 26	1949 617
	1947 454	465. 02(2)	1947 460	470. 27	1957 510
461. 01	1959 571		1953 494	470. 28	1945 581, 582,
461. 02	1947 453	465. 02(3)	1947 460		584
461. 03	1947 453	465. 02(5)	1949 454, 456		1955 869
	1951 575, 580	465. 03	1949 456, 457	470. 29	1945 581, 582,
	1957 919	465. 03(3)	1953 494		584
	1959 371	465. 04	1945 578	471. 01	1949 458
461. 04	1947 454		1949 440, 456		1959 330
	1957 25, 510	465. 05	1949 456	471. 02(5)	1947 462
461. 12	1951 580	465. 06	1949 456		1949 458
462. 01	1945 572		1951 575	471. 02(6)	1947 462
	1947 579	465. 07	1949 163, 454,	471. 02(7)	1949 458
	1949 440		456	471. 03	1947 462
	1951 574	465. 08	1949 454, 455	471. 03(1), (2)	1947 462
462. 02	1949 453	465. 091,		471. 05	1949 458
	1953 491	465. 092	1953 494	471. 06	1947 254
462. 022	1959 214, 480	465. 111	1953 494	471. 08	1957 519
462. 04	1953 116	465. 13	1945 579	471. 09	1945 472
462. 05	1943 401		1949 456		1957 519
	1945 563, 572	466. 02	1943 410	471. 12	1953 116
	1953 491	466. 03	1953 496	471. 14	1945 585
462. 07	1955 326	466. 03(2)	1957 921	471. 31	1957 517
462. 08	1945 563, 572	466. 04	1943 410	472. 01	1945 586
	1953 491		1957 921		1949 194
	1955 326	466. 06	1945 571	472. 02,	
462. 09	1945 367	466. 08	1953 116	472. 08	1947 464
462. 11	1943 401	466. 09(1)-(3)	1959 13		1949 458
	1947 580	466. 13	1955 154	472. 13	1947 463
	1953 491	466. 14	1957 921	473. 02	1945 589
462. 14	1951 575	466. 20	1945 571	473. 02(1)	1943 412
	1953 491		1955 266	473. 04	1945 589
462. 15	1953 491	466. 21	1957 510		1959 8
462. 18	1943 401	466. 24	1951 575	473. 05	1945 587
	1945 563, 572		1957 921	473. 06	1943 414
	1953 491	466. 29	1953 496		1945 587
462. 19	1945 563, 572	466. 37	1955 266	473. 08	1943 412, 413
	1953 491	466. 38	1955 496		1945 588
462. 20	1945 563, 572	466. 41	1953 496		1947 465
462. 21	1945 563, 572	467. 04	1951 583	473. 10	1949 459
463. 01	1957 84	467. 09	1945 472	473. 11	1947 465
	1959 50	469. 01	1957 46	473. 12	1947 464
463. 02	1949 452	469. 05	1953 207		1957 496
463. 05	1947 471	469. 06	1945 579	473. 19	1957 496
	1949 452		1945 579	473. 20	1959 8
463. 07	1947 262	469. 09	1947 461	473. 21	1945 472
463. 08	1943 402	470. 01	1945 573		1957 496
	1949 452		1945 584		1943 412
463. 11	1947 471	470. 01(2)	1949 457	473. 25	1945 587
463. 12	1957 84	470. 01(3), (4)	1945 582	473. 26	1957 496
463. 14	1959 50	470. 02,	1945 581, 582	473. 27	1957 14, 496
463. 14(1)	1959 50	470. 03		473. 28	1957 496
463. 18	1943 404		1945 581, 582,	473. 29	1957 496
	1945 472	470. 04	584	474. 02	1951 585
463. 19	1943 404		1943 411		1957 57
464. 02	1945 575	470. 06	1945 472	474. 04	1951 585
464. 021(2)	1959 13	470. 08	1953 116		1957 57
464. 031	1951 581		1943 411	474. 05	1951 585
464. 04	1943 404, 405		1945 581, 582,	474. 06	1945 472
	1945 472, 575	470. 09	584	474. 07	1953 498
			1951 584		1957 57
			1943 411		

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
475.01(2)	1959	132	477.03(2)	1955	328	479.11 (cont.)	1959	187
475.01(4)	1947	466		1959	44	479.11(1)	1959	187
	1955	520	477.04	1943	421	479.11(2)-(4)	1953	503
475.01(11)	1959	132	477.05	1943	421	479.16	1951	588
475.02	1953	116		1949	462		1953	503
475.05	1945	556	477.06	1943	421		1959	686
475.08	1945	472	477.06(1)	1943	421	479.16(1)	1953	503
475.13	1947	262	477.06(2) (g)	1949	461	480.01	1947	262
	1955	733	477.06(2) (h)	1943	421		1949	464
475.16	1947	466	477.07	1943	421		1955	383, 750
475.17	1945	590	477.07(2)	1949	461		1957	402
	1947	466	477.08	1943	421		1959	174, 253
475.17	1957	354	477.08(1)	1959	515	480.01(1)	1945	598
475.18	1957	354	477.08(2)	1953	502		1953	505, 507
475.22-			477.08(6)	1959	168		1955	955
475.24	1959	688	477.09	1943	414, 421		1959	174, 253
475.23	1955	520	477.10,			480.01(1) (a)	1955	383
475.25	1947	466	477.11	1943	421		1957	402
475.26	1955	520	477.12	1943	415, 419,		1959	253
475.31(4)	1955	520			420, 421	480.01(1) (b)	1955	383
475.42(1),			477.13	1943	421		1957	402
475.42(1)(d)	1955	520	477.14	1943	421		1959	253
475.42(1) (e)	1959	678		1959	168	480.01(2)	1953	505
475.42(2)	1959	678	477.15	1943	421		1957	402
476.01	1945	592	477.16	1943	421	480.01(4)	1959	253
	1953	116	477.17	1943	421	480.02	1955	750
476.02	1949	460		1951	587	480.02(1), (2)	1955	955
	1953	116	477.18	1943	421	480.02(3)	1953	507
	1959	44		1945	596		1959	174, 253
476.03,				1947	467	480.02(4)	1949	463
476.04	1949	460		1949	464	480.03	1943	418
476.04	1959	44		1955	678		1945	598, 599
476.04(4)	1959	44	477.19	1943	421		1949	464
476.05	1945	592	477.20	1943	421		1953	505
	1951	586		1945	366, 595		1955	750
476.06	1945	591		1955	328		1959	174
	1951	586	477.21	1943	421	480.03(4)	1955	750
476.06(4)	1945	592		1945	594	480.04	1955	56
476.07	1949	459		1957	872	480.05(2)	1955	955
	1957	751	477.22,			480.05(3)	1953	505
476.09	1957	751	477.23	1943	421		1955	955
476.10	1951	586	477.23(10),			480.06	1943	423, 424
476.11	1949	461	(11)	1955	328		1949	463
476.13	1949	460	477.24	1943	420, 421		1953	507
	1951	586	477.25,				1955	750, 955
476.16	1949	460	477.26	1943	421	480.07	1955	955
	1955	513	477.27	1943	418, 420,	480.08	1953	507
476.18	1945	591			421	480.10	1953	505
	1953	116, 499	477.27(1)	1945	593	480.11(b)	1949	464
	1955	566	477.27(7)	1947	466	480.11(1) (f)	1945	598
476.24(6)	1959	553		1959	553	480.11(g)	1949	464
476.27	1953	499	478.07,			480.12	1949	464
	1955	566	478.08	1943	422	480.14	1951	588
476.28	1955	566		1945	596	480.15	1943	424
476.28(1), (3)	1955	566	479.01	1953	503	480.17	1945	598
477.01	1943	421		1959	187		1955	955
477.02	1943	421	479.01(2)	1959	686	480.19	1943	423
	1945	593	479.01(4)	1953	503	481.02	1945	602
	1955	328, 678		1959	686	481.04	1943	393
477.02(1)	1947	466	479.01(7)	1959	187		1945	602
477.02(4)	1955	678	479.03	1947	468	481.06	1945	602
477.02(6)	1943	420	479.04	1947	264	481.08	1945	75
	1955	678		1949	262, 462	482.02(1)	1957	620
477.03	1943	421		1951	588	482.06	1957	620
	1947	466		1953	503	482.07-		
	1949	460		1957	689	482.13	1949	464
	1955	328, 678		1959	686	482.14	1957	620
	1957	770	479.07	1947	468	483.03	1949	465
	1959	44		1949	262, 462	483.14	1951	590
477.03(1) (a)-				1953	503	483.16-		
(e)	1959	44	479.07(1)	1959	686	483.18	1949	465
477.03(1) (c)	1957	770	479.09	1949	262, 265,	484.01	1949	578
477.03(1) (e)	1945	593			324, 408			
	1957	770		1951	588			
477.03(1) (h)	1959	44	479.11	1951	588			

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
484.02	1949	578	500.26	1957	20, 567, 568	511.01	1945	606, 609, 610
484.03	1949	478		1957	20		1949	471, 472, 473, 474, 475
484.04	1949	578	500.26(1)	1955	303, 432		1951	595
484.05	1949	466, 578	501.01	1949	467		1953	519, 521
484.06	1949	578	501.02	1957	645		1953	519
484.07	1949	466, 578	501.03	1949	467		1949	473
	1953	509	501.04	1953	511	511.01(1)	1953	515, 519
484.08	1949	268, 578		1955	303, 432, 507	511.01(2)	1949	472
484.09	1949	578		1955	71	511.01(3)	1953	519, 521
484.10	1949	578	501.04(9)	1955	303		1943	429
	1953	508	501.04(11)	1955	507	511.02	1945	609
484.11	1949	578	501.04(12)				1949	472, 473
485.01	1945	600	501.05	1955	432		1953	519
485.02	1945	574, 584, 600	501.06	1955	507		1955	478
			501.09	1955	228		1943	427, 429
485.03	1951	587	501.09(3) (k)	1955	507	511.03	1949	473
486.02	1955	463	501.09(4) (b)	1955	507		1943	429
486.03(4)	1951	591	501.09(6)	1955	303	511.04	1943	429
486.05	1951	591	501.13			511.05	1943	429
486.08	1955	463	501.13(1), (2), (7)	1955	71		1949	472, 474
486.08(5)	1955	463	501.17				1953	298, 512
486.09	1955	463	501.19	1955	432	511.051	1953	514
486.10	1953	287	501.20	1949	467	511.06	1943	429
	1955	463		1951	593		1945	610
486.12	1955	463	502.01	1943	426		1947	268
486.16	1951	591	502.02	1959	278		1949	474
488.01			502.05			511.07	1943	429
488.02	1955	612	502.07	1943	426	511.08	1943	427, 429
488.04	1955	612	502.19	1959	278	511.13	1953	512, 514
489.03(2)	1957	483	502.21	1947	472	511.15,		
490.01	1957	277	502.25	1959	278	511.17	1953	517
490.01(1)	1957	277	502.27			511.22	1945	606
490.02	1957	277	502.28	1943	426	511.23	1949	474
490.03(4)	1957	277	502.35	1959	278		1951	598
490.04	1957	536	506.06				1953	519
490.04(1)	1957	536	506.07	1943	493	511.28	1945	206
490.04(1) (d)	1957	277	509.02	1947	474		1949	473
490.05	1957	277		1951	593	511.29	1953	512
490.06(2)	1957	277	509.021	1951	593, 595	511.31	1943	428
490.07(2)	1957	277	509.03	1953	512, 514	511.32	1945	229
490.09	1957	277	509.04	1949	472		1947	475
494.01-				1953	512, 514		1949	473
494.11	1959	237, 238, 261, 287, 428, 449	509.05	1949	469	511.34	1949	471
			509.101	1957	863	511.38,		
494.02	1959	287, 428	509.101(1)	1957	863	511.39	1951	597
494.02(2)	1959	238, 261	509.141	1957	863	511.40	1943	429
494.02(4)	1959	428		1959	304	511.41	1943	428
494.03	1959	287	509.141(1)	1957	863	511.43,		
494.04	1959	449		1959	304	511.44	1949	472
494.04(3)	1959	449	509.141(2)	1959	304	511.45	1953	514, 517
494.04(4)	1959	449	509.141(3)	1959	304	511.45(1)	1953	517
494.04(5)	1959	449	509.141(4)	1959	304	513.01	1951	622
494.04(9)	1959	449	509.211(2)	1957	46	513.02,		
494.04(10)	1959	449	509.211(4)	1957	861	513.03	1945	610
494.04(11)	1959	449	509.241	1955	654, 903	513.07	1955	954
494.04(12)	1959	237	509.241(1)			516.03	1957	88
494.08	1959	287, 449	(b) 3.	1957	370	516.04	1957	88
494.08(3)	1959	287	509.241(1)			516.05	1957	88
494.08(4)	1959	287	(c) 1.	1957	370	516.07	1957	88
494.08(6)	1959	287	509.241(2)	1955	478, 683	516.11	1957	88
500.03(3)	1957	567				516.16	1949	475
500.03(6)	1955	328	509.241(2)			516.17	1959	224
500.10	1949	263	(b) 5.	1957	388	517.01	1951	606
500.15	1945	605	509.271	1955	683	517.01(1)	1949	479
	1949	467	510.01	1945	606	517.01(4) (d)	1957	330
500.15(11)	1945	604		1951	622	517.02	1943	432
500.25	1957	20, 567, 568	510.02,				1945	611, 619
			510.04	1945	606		1947	479
500.25(1)	1957	20, 567, 568	510.06	1945	606		1949	476, 477
			510.08	1945	607, 608		1955	211, 428
500.25(2)	1957	20, 567, 568		1953	55			

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
517.02 (cont.)	1957	340, 382, 527, 688, 753	517.06(4) (cont.)	1957	66	518.08 (cont.)	1949	526, 527
	1959	138	517.06(5)	1943	434	518.09	1953	14
517.02(1)	1943	430	517.06(7)	1951	603		1957	144
	1945	618, 622	517.06(8)	1955	827	518.10	1957	81
	1947	476		1957	91, 360	518.11	1959	467
	1949	478	517.06(9)	1957	66	518.15	1955	623
	1951	603	517.06(10)	1945	612	519.05	1957	283
	1953	526, 532	517.06(11)	1951	600	519.09	1947	482
	1957	340, 383, 527, 688, 753	517.06(15)	1955	211	520.01-		
			517.07	1957	360	520.13	1957	412, 540
517.02(2)	1951	607		1943	434	520.02(4)	1957	540
517.02(3)	1947	476, 478		1945	612	520.02(9)	1957	412, 540
	1949	478	517.08	1955	659	520.03(3)	1957	412
	1955	659		1957	138	520.03(4)	1957	412
	1957	340, 382, 527, 688, 753		1945	612, 619	520.07(2) (d)	1957	762
				1951	601, 606	520.07(2) (f)- (h)	1957	762
	1959	138	517.08(1)	1953	527	520.07(4)	1957	762
517.02(4)	1945	613, 621		1955	428	520.09	1957	762
	1949	478		1957	138	520.30-		
	1953	529	517.08(9)	1945	616, 617, 620	520.42	1959	410, 432, 521, 733, 764
517.02(4) (d)	1947	477	517.09	1945	616			
517.03	1949	475		1947	612, 620	520.31	1959	764
	1955	428		1947	482, 483	520.31(1)	1959	432
517.04	1945	472		1951	601, 606, 608	520.31(6)	1959	410, 733
517.05	1945	612, 615				520.31(7)	1959	410, 446, 733
	1947	480		1953	527			
	1949	477, 479	517.091	1955	428	520.31(8)	1959	410
	1953	525, 526, 529	517.09(3) (e)	1957	138	520.31(10)	1959	432
			517.09(5)	1957	138	520.31(11)	1959	410
	1955	211, 659	517.09(7)	1947	482	520.32	1959	521
	1957	138, 330, 382	517.091	1955	428	520.33	1959	521
517.05	1957	138, 330, 783	517.10	1947	483	520.34	1959	764
	1959	138	517.11	1951	608	520.34(4)	1959	733
517.05(1)	1949	478, 479		1949	477	520.35	1959	410, 432
	1953	526		1951	601, 606	520.38	1959	432
				1945	616	520.42	1959	521
517.05(1)-(11)	1955	45	517.12	1955	428	526.01	1953	306, 355, 429
517.05(3)	1949	478, 479		1943	434			
517.05(4)	1945	621		1945	615, 619	526.111	1957	374, 423
	1947	481		1947	483, 484, 485	526.111(1)	1957	374, 423
	1951	606				526.111(2)	1957	374, 423
	1953	529	517.12(2)	1949	475, 476, 478	526.12	1947	488, 489
517.05(5)	1949	478, 479	517.12(4)				1949	373, 481
517.05(6)	1947	480		1955	841		1951	609, 610
	1949	478, 479	517.12(5)	1957	138, 330		1953	535
	1957	783	517.13	1949	475		1955	461
517.05(7)	1949	478, 479		1957	763		1957	328, 619
517.05(9)	1957	382		1949	475	526.12-	1959	401
517.06	1943	434	517.14	1947	485	526.20	1955	567, 586
	1945	612, 619		1955	841		1957	259, 328, 564
	1949	476, 477, 478		1957	763	526.12-		
	1951	604, 608	517.15	1955	841	526.22	1957	328
	1953	527	517.17	1957	763		1959	156
	1955	211, 498, 659, 678, 827	517.18	1951	599	526.12(2)	1947	488
	1957	66, 77, 91, 138, 360	517.21	1945	618	526.12(3)	1953	535
517.06(1)	1955	678	517.28	1953	531		1957	328
517.06(3)	1945	621	517.30	1949	477	526.12(4)	1953	535
	1955	211	518.01	1957	527	526.12(6)	1953	535
	1957	77		1955	428		1957	619
517.06(4)	1951	601	518.06	1957	527	526.12(7)	1953	535
	1955	211	518.06-	1943	237	526.12(8)	1953	535
			518.16	1951	246	526.13	1947	488, 489
			518.07	1949	526, 527		1949	373, 480, 481
			518.08				1951	322, 609, 610
				1959	467		1953	535
				1947	535		1955	461
				1949	526, 527			
				1947	535			

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
526. 13 (cont.)	1957	259, 328, 564, 619	550. 04	1943	436	552. 091	1955	259, 567, 585
	1959	51, 401		1953	538, 539		1957	539
526. 13(1)	1959	401		1955	36		1943	439
526. 14	1947	488, 489	550. 05	1943	436	552. 10	1955	585
	1957	259, 564, 619		1945	344	552. 101	1957	539
	1959	401		1955	36	552. 111	1955	397, 567
526. 15	1947	488, 489	550. 06	1957	275, 460	552. 12-		
	1949	373, 480, 481		1943	436	552. 19	1955	397
	1951	609, 610	550. 07	1955	768	552. 13	1955	586
	1953	535		1959	319	552. 14	1955	567
526. 16	1947	488, 489	550. 08	1943	436	552. 19	1955	259, 586
	1949	373, 480, 481		1945	344	553. 03(1)	1955	940
	1951	609, 610		1949	591	553. 03(2)	1953	546
	1953	535		1943	436		1955	940
	1957	259, 756	550. 08(2), (3)	1953	538	553. 03(4)	1955	940
526. 17	1947	488, 489	550. 081	1955	780	553. 04,	1959	263
	1949	373, 481	550. 082	1959	319	553. 05	1951	617
	1951	609, 610	550. 09	1959	539	553. 07	1951	255
	1953	535		1959	319		1959	263
526. 18	1947	488, 489	550. 10	1943	436	553. 11(2)	1953	546
	1949	373, 480, 481		1949	484	553. 11(4)	1959	263
	1951	609, 610		1943	436		1953	546
	1953	535	550. 11,	1945	354	554. 01	1959	263
	1957	328	550. 12	1949	485	554. 08-	1955	368
526. 19	1947	488, 489	550. 13	1955	494	554. 10	1955	368
	1949	373, 480, 481		1943	436	554. 101	1955	623
	1951	322, 609, 610		1959	210	554. 102	1955	368
	1953	535		1945	261, 623	555. 11(2)	1955	940
526. 20	1947	488, 489	550. 14	1949	192	559. 01-		
	1949	373, 480, 481		1951	244, 297, 403	559. 06	1959	206, 215, 645, 775
	1951	609, 610		1955	905	559. 01(1)	1959	206
	1953	535	550. 15	1943	436	559. 01(2)	1959	206, 645
	1957	586	550. 16	1945	261	559. 04	1959	775
526. 21	1957	328		1951	244, 297, 403	559. 04(2)	1959	775
526. 21(1)- (5)	1957	328	550. 17,	1943	224, 436	561. 01	1943	444, 446
526. 22	1957	328, 756	550. 18	1957	460		1945	628, 637
531. 01,			550. 181	1943	436	561. 01(4)	1947	508
531. 02	1949	483		1951	612, 613	561. 01(7)	1951	201
531. 12,			550. 19-	1953	536	561. 01(8)	1953	560
531. 33	1949	483	550. 25				1959	72
534. 20	1945	623	550. 26	1943	436	561. 01(10)	1949	497
	1949	482		1945	544	561. 01(13)	1945	626, 629
536. 13,				1955	403	561. 06	1955	54
536. 18	1945	715	550. 30	1943	184, 257, 434, 436,	561. 07	1945	630
548. 01	1957	890			437, 438		1953	557
548. 03	1947	356	550. 31	1943	434	561. 08	1959	72
	1955	229	550. 34	1955	36		1949	487
	1957	876, 890	551. 09	1945	544	561. 09	1945	628, 637
549. 01	1949	270	551. 12	1955	36	561. 12	1945	544
549. 06	1949	271		1957	275, 460		1959	758
550. 01	1943	436	551. 13	1959	210	561. 14	1949	493
	1949	483, 484	551. 15	1945	544		1957	225
	1951	613	551. 15(1)	1959	210	561. 14(1)	1947	501
550. 02	1943	436	552. 01-			561. 14(3)	1959	72
550. 02(4)	1951	613	552. 03	1943	439	561. 15	1949	488
550. 02(6)	1955	768	552. 03(3)	1943	439	561. 15(1)	1953	553
550. 021	1953	543	552. 081	1955	259, 397, 567, 585	561. 15(2)	1959	235
550. 021(1)	1953	543				561. 17	1959	235
550. 03	1943	436	552. 081-				1947	494
	1945	623	552. 111	1955	397	561. 18	1953	553, 555
	1953	538, 539					1947	494
	1955	193, 780					1949	487
	1957	314						

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
561. 18 (cont.)	1953	553, 555	561. 34(4)	1945	629	561. 462	1949	451
	1955	95		1947	492	561. 47	1955	640
561. 19	1947	494		1951	620	561. 47(1)	1957	778
	1949	487, 488	561. 34(5)	1945	629	561. 49	1947	501
	1953	555, 553		1947	492		1957	61, 225
	1955	95		1949	486, 492,	561. 50	1945	635
561. 20	1945	634			495	561. 51	1955	640
	1949	486, 488		1951	620	561. 52	1945	631
	1951	620	561. 34(6),			561. 53	1945	635
	1955	136, 438,	(7)	1945	629		1953	557
		903		1947	492	561. 57	1949	493
	1957	343		1949	486, 492,	561. 58	1947	496
	1959	108, 684,			493	561. 63	1945	635
		716		1951	620	561. 64	1955	640
561. 20(1)	1953	550	561. 34(8)	1945	629	562. 02	1943	444
	1959	108		1947	492		1949	497
561. 20(2)	1951	622		1949	486, 492,	562. 03	1945	632
	1953	550			493, 495		1949	489, 497
	1955	136, 438,		1951	620		1951	782
		903	561. 34(10)	1947	501		1955	54
	1957	343	561. 34(11)	1945	635, 640	562. 05	1949	493
	1959	322		1949	486, 492		1955	136
561. 20(4)	1947	494		1953	562	562. 06,		
	1957	343	561. 34(12)	1957	498	562. 10	1949	493
561. 21	1947	494	561. 35	1943	442	562. 11	1943	447
561. 22,				1945	628, 637		1945	629
561. 24	1949	486		1953	553	562. 111	1957	455
561. 25	1953	24	561. 35(1)(k)	1959	72	562. 13	1943	447
	1955	54	561. 36	1943	443		1945	630
	1957	498		1945	627		1949	447, 495
	1959	664		1949	488		1957	455
561. 26	1949	486		1951	626, 627		1959	322
	1959	758		1953	555	562. 14	1943	444, 446
561. 27	1949	486		1959	758		1945	75, 628,
	1959	758	561. 39	1949	486			637
561. 29	1945	628, 637	561. 42	1947	499		1947	496, 497,
	1949	489		1949	451, 487			498
561. 32	1947	494	561. 42(6)	1949	487		1949	496, 497
	1949	487	561. 43	1943	442		1951	628
	1951	626, 627		1945	630		1955	777, 903
	1953	555, 553	561. 44	1945	409, 629,		1959	165
	1955	95			630	562. 14(1)	1947	498
561. 33	1947	494, 496		1947	491		1953	560
	1949	487		1949	488, 492	562. 14(1)-		
	1951	626		1951	624, 628	(4)	1955	95
561. 34	1943	441, 444		1953	558	562. 14(2)	1947	498
	1945	626		1955	95, 655,		1953	560, 562
	1947	492, 494,			903	562. 14(3)	1947	498
		509		1957	513		1951	202
	1949	486, 487,	561. 44(1)	1947	509		1953	560
		488, 492,		1949	487, 492	562. 14(4)	1959	119, 165
		493, 495,		1955	95		1947	498
		496		1957	513		1953	560
	1951	344, 619,		1959	119	562. 14(5)	1947	498
		627, 628	561. 44(2)	1947	492	562. 15	1945	119, 630
	1955	95, 125		1949	486	562. 16	1945	630
	1957	129		1951	619, 624		1949	29
	1959	684, 758		1953	558	562. 16(4)	1953	560
561. 34(1)	1947	494		1955	95	562. 18	1945	119
	1949	495, 496	561. 44(3)	1945	409	562. 21,		
	1951	202		1947	492	562. 22	1949	487
561. 34(1)(a)	1947	498		1951	619	562. 27	1945	630
561. 34(1)(b)	1947	492, 509	561. 44(4)-				1949	68, 493,
	1949	487, 488,	(8)	1945	409			611
		492		1951	619		1955	97
	1951	624	561. 441	1949	492		1959	235
561. 34(2)	1949	495		1951	624	562. 27(2),		
	1951	202	561. 45	1951	628	(3)	1949	493
561. 34(3)	1945	629	561. 46	1945	635	562. 28	1949	68, 493
	1947	492		1955	640	562. 29	1949	68, 493,
	1949	486, 492,	561. 46(5)	1957	778			611
		493, 495	561. 46(6)	1957	778	562. 30	1949	493
	1951	201, 202,	561. 461	1949	451	562. 31	1945	630
		620		1955	640		1949	493

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
562. 32	1949	493, 498	568. 14	1955	389	585. 32	1943	238, 449,
	1951	447	569. 01	1947	509			450
562. 33	1949	68, 493,		1949	493		1945	647, 648
		611	569. 01(8)	1947	509		1947	519, 521
	1951	447	569. 02	1947	503, 509		1949	505
562. 34	1949	68, 493	569. 04	1959	108		1953	498
	1951	447	569. 05	1949	492	585. 32(1),		
562. 35	1949	68, 493	576. 01-			(2)	1947	521
562. 36	1949	493	576. 03	1949	503	585. 32(4),		
562. 37	1945	630	576. 04	1949	503, 504	(6)	1947	521
	1949	493	576. 05-			585. 321	1953	498
	1951	477	576. 08	1949	503	585. 34	1943	452
562. 38	1949	493	576. 083	1949	503		1951	48
	1955	54	576. 084(5)	1949	503	585. 34(19)	1959	5
562. 39	1945	630	576. 085	1949	503	585. 35	1945	643
	1949	355, 493	576. 09	1949	503, 504	585. 43	1943	449, 450
	1955	54	576. 10,				1945	647
562. 40	1949	493	576. 11	1949	503	585. 44	1945	648
562. 40-			576. 25	1949	503	585. 45	1947	518
562. 408	1955	97	578. 08	1947	524	588. 01	1945	649
562. 41	1949	489		1955	725		1949	508
	1955	54	578. 08(4)	1955	725	588. 011	1949	508
562. 41(1)	1949	498	578. 11	1947	524		1957	430
562. 42	1955	97	578. 181	1947	524	588. 02	1949	508
562. 44	1943	445	578. 23	1947	524	588. 09	1949	508
	1945	630	581. 02	1945	642		1957	430
562. 45	1945	636		1953	565	588. 10	1949	508
	1947	508		1955	951		1953	567
	1951	627	581. 02(1)-(3)	1955	951		1957	430
	1955	54, 95,	581. 02(10),			588. 11	1949	508
		655, 903	(11)	1955	951	588. 12,		
	1959	119	581. 02(17),			588. 13	1949	505, 506,
562. 451	1945	630	(19)	1955	951			507, 508
	1949	29	581. 081	1955	347, 508	588. 13(4)	1949	507
	1951	477	581. 12	1953	565	588. 14-		
567. 01	1945	639	582. 01	1953	566	588. 26	1949	505, 506,
	1947	504, 506,	582. 01(1)	1949	181			507, 508
		507	582. 01(2)	1949	181	589. 03	1945	472, 651
	1949	99, 119,	582. 14	1955	347, 951	589. 05	1943	452
		499, 500,	582. 15,				1945	652
		501	582. 16	1947	511		1947	522
	1955	885	582. 18	1951	632	589. 07	1943	453
	1957	50		1953	566		1945	653
567. 01(1)	1947	504	582. 20	1949	181		1949	509
	1949	500, 885		1953	565	589. 08	1943	454
567. 02	1947	502, 503	582. 21,				1945	651, 653
	1949	99, 499	582. 22	1947	513		1949	509
567. 03	1949	497	582. 33	1947	511, 512	589. 09	1943	455
567. 04	1945	639		1949	365		1945	654
	1949	99, 500,	582. 33(1),			589. 10	1943	455
		501	(3)	1947	511		1951	635
	1951	630	584. 01	1947	514, 515,		1953	568
	1959	572			516	589. 18	1947	523
567. 06	1945	639	584. 02	1947	514, 515	589. 21	1945	654
	1947	507	584. 04-				1953	568
	1949	499	584. 06	1947	515, 516	589. 23	1949	509
567. 06(1)-			585. 01	1943	452		1951	635
(2) (b)	1959	108	585. 03	1947	517	589. 24	1951	635
567. 07-			585. 06	1945	96, 645	589. 25	1945	653, 654
567. 10	1947	507	585. 07	1945	96		1951	635
567. 13	1959	108	585. 08	1943	449	589. 27	1943	453
				1945	643	590. 01-		
568. 01	1945	637	585. 11	1955	803	590. 03	1949	510
568. 02	1945	640	585. 14	1943	449	590. 08-		
568. 03	1945	637, 640		1945	643	590. 11	1949	510
	1949	497	585. 15	1945	643	592. 07	1951	635
	1955	389	585. 16	1945	643	592. 07(1)	1953	570
568. 05	1947	508		1947	521	592. 08	1951	635
	1955	389	585. 23	1945	643	592. 09	1959	665
568. 10	1943	445	585. 27	1945	643	594. 01(1)	1945	655
	1955	97		1947	519	595. 01	1947	523
	1959	368		1949	504		1949	373, 511
568. 11,			585. 30	1947	518	595. 07	1949	511
568. 12	1955	389	585. 31	1945	468	595. 07(2)	1945	656

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
595.25, 595.35	1945 656	608.10	1955 718	610.09-	
596.02	1945 655	608.10(1)	1957 606	610.14	1943 459
596.04	1945 118	608.10(4)	1955 718	610.15	1943 459
596.16	1945 655	608.13	1955 719		1947 528
598.03	1945 472, 651	608.13(12)	1955 719	610.18	1949 512
598.09	1945 654		1959 138	610.20	1953 273
598.25	1945 653, 654	608.15	1955 351, 271	610.28	1959 691
599.03	1945 656		1957 11, 92	610.31	1951 641
599.04(9)	1945 656	608.16	1955 452		1945 660
599.09	1945 656	608.17	1957 92	610.31-	1951 637
599.15(3), (5)	1945 656	608.18	1955 351	610.36	1955 719
601.04	1953 571	608.18(4)	1955 351	610.32	1945 660
601.05	1955 571	608.20-			1951 637
601.06	1955 635	608.26	1955 858	610.33	1945 660
601.10	1953 571		1957 397		1951 637
601.10(3)	1957 736	608.30	1953 273		1953 578
601.10(4), (6)	1955 571	608.30(6)	1959 163	610.34-	
601.12	1953 571	608.32	1959 163	610.36	1945 660
601.13(3)	1955 571		1953 573		1951 637
601.14(2)	1953 571	608.32-	1955 788	610.37	1953 273
	1955 571	608.60	1957 805	611.01	1949 512
601.15	1953 571	608.32(1) (a)- (f)	1959 691		1951 638, 641
	1955 77	608.32(1) (c)	1957 805	611.04	1951 641
601.15(2)	1955 77	608.32(1) (f), (2), (3)	1957 805	611.05	1955 926
601.15(3)	1955 571	608.32(1) (g)- (j)	1955 788	611.06	1949 476, 512
601.15(7)	1953 572	608.33			1953 624
	1955 77, 571		1957 805	611.26, 611.28	1945 661, 662
601.15(8), (10) (e)	1955 571	608.33(1), (2), (4)	1953 573		1951 638
601.151(4)	1955 571	608.38	1955 788	611.32	1959 163
601.0101	1955 571	608.39	1957 805	611.34	1953 273
602.07,		608.41	1955 788	611.38	1949 476
602.09	1955 588	608.42	1957 722, 805		1951 641
602.11,				611.40	1945 662
602.13	1955 588	608.43	1955 788		1951 638
602.15	1955 588	608.52	1957 805	612.01	1945 662
603.12	1943 457	608.60	1957 566, 606		1951 641
603.13	1943 457	608.60(1), (2)	1957 566, 606	612.03	1947 527
603.16	1945 657, 658	608.62	1959 691		1949 588
	1957 643		1955 613	612.06	1951 639
603.19	1957 643	608.63	1955 351		1945 662
603.20	1955 435		1955 486	612.08	1951 639
	1957 643	608.65		612.08(3)	1947 224
603.21	1955 435		1955 486	612.09	1949 247
	1957 643	608.66	1955 719	612.18	1953 574
603.22	1955 435	608.67	1957 446, 780		1947 224
	1957 643	609.01	1955 719	612.21	1959 691
603.23	1955 435	609.02	1957 446, 780		1947 528
	1957 643		1955 719	612.22	1953 574
604.17	1945 655		1957 446, 780		1949 247
608.01	1955 719	608.66	1955 719	612.23	1953 574
	1957 805	608.67	1957 446, 780	612.24	1947 528
608.03	1955 452, 719	609.01	1955 719	612.27	1947 224
	1957 805	609.02	1947 526	612.29	1951 639
608.03(1) (b)	1955 719		1955 669		1947 527
608.03(2) (d), (i)	1955 452	609.03-		612.36	1947 527
608.04	1955 788	609.05	1945 612	612.37-	1949 254
608.05	1955 858, 926		1947 526	612.39	
	1959 257	609.06	1947 526		
608.05(3)	1955 926	610.03	1949 476	612.40	1947 527
608.05(3) (c)	1959 386	610.07	1943 458, 459,	612.44	1951 639
608.05(4)	1959 257		461	612.46	1945 708
608.05(4) (a)- (h)	1959 257		1949 512	612.47	1949 549
		610.08	1953 573		1959 163
608.05(5) (a), (b)	1955 858		1943 458, 459,	612.48	1953 273
	1959 386		461		1959 163
608.05(5) (a)	1959 386		1947 528	612.49	1953 273
608.05(5) (b)	1959 386		1949 512	612.52	1953 273
608.09	1957 606		1951 486	612.55	1951 639
			1955 788	612.58	1951 639, 641

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
612.59, 612.60	1947	224	620.01	1951	642	625.0104(2)		
612.64	1945	661		1955	631	(b)	1959	616
	1953	574	620.02	1957	524	625.0105 (1)	1959	640
613.01	1953	586		1949	516, 517	625.0123	1959	616
	1955	935		1955	631	625.22	1945	672, 673
613.02	1949	512	620.02(1) (a)-	1957	524		1947	538
	1953	586	(b) 2.	1959	67		1949	529, 535
	1955	858, 935	620.02(1) (b)	1957	524	625.38	1953	615
613.07	1949	512, 523, 527, 558	620.05	1949	516	625.39	1957	633
	1957	524	620.07,			626.01	1949	521, 523
	1959	456	620.12	1951	642		1953	589
613.08	1943	462	620.18	1951	642	626.02	1949	163, 373, 523, 527,
613.11	1957	894		1955	498			535
614.02	1955	947	620.25(2)	1957	180		1953	586
614.03	1947	224	620.26	1959	67		1955	452
	1955	913	620.28	1951	642	626.03	1951	647
	1959	579	620.31	1949	517	626.04	1943	473
614.03(1)	1947	224	624.0224	1949	517		1947	257, 535,
614.03(1) (a)	1959	579	624.0226	1959	680			536
614.03(1) (c)	1955	913	624.0300	1959	680		1949	521, 526,
614.03(2)	1959	579	624.0300(3)	1959	405, 604			527, 535,
614.12	1959	579	624.0300(10)	1959	634			552
614.18	1943	418	624.0305	1959	405		1951	649
616.18	1959	540	624.0318	1959	388, 634		1955	168, 452,
617.01	1945	444	624.0318(1)	1959	388, 634			581
	1947	528	624.0320	1959	634		1957	81, 214
	1949	472	624.0323	1959	604		1959	71
	1951	659	624.0403	1959	405	626.05	1943	463, 473
	1959	494, 769	625.01	1949	589		1947	257, 535
617.01(1)	1959	494		1951	529, 531		1949	523, 550
617.01(2)	1959	494		1953	656, 682		1953	580
617.012	1959	335	625.01(1)	1947	283		1957	256
617.015	1959	335	625.01(1) (a)	1945	556	626.06	1943	473
617.02	1959	335	625.01(1) (b)	1945	683		1945	696
617.11	1959	769		1949	683, 696		1947	257, 535
617.11(1)	1959	494			539, 543,		1949	521
617.11(2)	1959	494	625.01(1) (c)	1945	554		1957	256
617.22-			625.01(3)	1945	683, 694	626.061	1955	361, 584,
617.25	1955	325, 493, 545	625.01(5)	1945	694			670
				1955	292		1957	205, 785
617.26	1959	229	625.01(6)	1945	694	626.061(1)	1957	205, 493
617.26(4)	1959	229		1949	518, 519,	626.061(2)	1957	205
617.26(5)	1959	229			535	626.07	1949	163, 373,
618.01	1945	662		1951	644			521, 535
	1949	256, 478, 515		1955	235, 292	626.09	1949	521
				1957	214	626.10	1947	534
	1951	641	625.01(7)	1945	694, 696		1949	519, 520,
	1955	420	625.01(8)	1943	473			521, 522,
618.01(4)	1959	713		1945	696			527, 528
618.02,				1947	552		1955	24
618.04	1951	641		1951	678	626.11	1949	521, 523,
618.06	1945	662		1955	292			527, 535
618.07	1949	478	625.02	1945	667	626.11(2)	1947	534
618.07(5)	1959	691		1949	512, 521	626.221(4)	1959	604
618.07(7)	1959	691		1955	452	626.231(1)	1959	604
618.15	1949	478		1957	256	626.24	1945	352
	1959	713	625.04-			626.25	1947	530
618.22	1959	691	625.06	1947	530		1949	523, 526,
618.24	1949	478	625.15	1947	531			527
618.25	1959	713	625.17	1957	452		1951	649, 696
618.28	1951	641	625.19	1945	665, 679		1953	584
619.01-	1949	256, 515		1949	547		1955	396, 581
619.09	1959	691		1951	645, 688		1957	214, 348,
619.02	1949	256, 515		1955	474, 935			463
619.03	1949	256, 515		1959	589	626.25(3)	1957	463
619.04	1949	256	625.20	1945	679	626.271(1)	1959	604
619.06,				1947	531	626.271(2)	1959	604
619.07	1949	256, 515		1949	547	626.291(5)	1959	604
619.07(2)	1959	691		1951	688	626.531	1959	405
619.08	1959	691		1955	474	626.0112	1959	604
619.09	1949	256, 515	625.0104(2)			626.0113	1959	604
			(a)	1959	616			

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
626.0114(4)	1959	680	627.21	1951	656	627.81(7)	1957	159
626.0214	1959	604	627.22	1945	683	627.82	1953	283
626.0214(6)	1959	604		1951	656	627.85	1955	471
626.0300(14)	1959	604		1953	613	627.85(2)	1957	728
626.0421	1959	604	627.23	1951	656	627.89(2)	1957	728
626.0613	1959	589	627.24	1945	670	627.92	1953	608
626.0613(1)	1959	589		1951	656		1955	253
627.01,			627.25	1947	541		1957	92
627.02	1951	656		1951	656	627.93-		
627.03	1943	464, 467,	627.26	1951	656	627.96	1955	232
		468	627.27	1943	464	627.98	1955	253
	1945	672, 679		1945	696	627.0127	1959	648
	1949	530, 531,		1947	540, 541	627.0525	1959	516
		534		1951	656	627.0907	1959	674
	1951	656	627.28	1943	464	628.01	1943	470
627.03(9)	1953	612	627.31	1945	665, 671,	628.01(6)	1945	685
627.04	1943	467			675	628.02	1945	685
	1945	679		1951	652	628.03	1943	470
	1949	531	627.32	1945	671	628.05,		
	1951	656	627.351	1959	680	628.06	1943	470
627.05	1943	465, 467	627.37	1943	464	628.06	1957	81, 99
	1945	672		1945	670	628.07	1945	681
	1949	530, 531		1947	256	628.09	1943	470
	1951	656		1959	529		1945	685
627.06	1949	531	627.50	1951	652	628.11	1945	681
	1951	656	627.55	1949	373		1957	99
627.07	1945	672, 673,		1951	656	628.12	1945	681
		678		1953	613, 616,		1949	536
	1947	538			620	628.13	1957	99
	1949	535	627.55-			628.14	1943	470
	1951	656	627.70	1957	14, 273		1945	680, 682
	1953	615	627.55(6)	1953	613		1949	536
627.08	1943	467	627.56-				1957	99
	1945	672, 678,	627.59	1949	373	628.15	1943	470
		679		1951	656	629.01,		
	1947	538, 542		1953	613, 616,	629.02	1945	682
	1949	535			620	629.06	1947	544
	1951	656	627.59(1),				1955	672
	1953	615	(4)	1953	613		1957	701
627.08(9)	1947	538	627.60-			629.06(1)	1947	544
627.09,			627.65	1949	373	629.07	1947	544
627.10	1951	656		1951	656	629.09(1)	1947	544
627.11	1947	541		1953	613, 616,	629.09(2)	1947	544
	1949	529			620		1957	294
	1951	656	627.66	1949	373	629.09(3)	1947	544
627.12	1951	656		1951	652, 656	629.09(5)	1947	544
627.13	1943	464		1953	613, 616,	629.14	1947	544
	1951	656			620	629.23	1945	682
627.14	1945	675	627.67-			630.01	1957	214
	1949	530	627.70	1949	373	630.02	1959	29
	1951	656		1951	656	630.02(4)	1955	672
627.15	1943	467		1953	613, 616,	630.03	1945	686
	1949	530			620		1951	659
	1951	656	627.71-			630.03(1)	1951	658
627.16,			627.97	1955	232		1953	596
627.17	1951	656	627.71-			630.03(2)	1953	596
627.18	1945	665, 678,	627.98	1955	253		1957	294
		679	627.72	1953	283	630.03(3)	1945	686, 688
	1947	539, 541		1955	253	630.03(4)	1945	686
	1949	529, 534	627.72(1)	1957	214	630.03(8)	1945	688
	1951	653, 656	627.72(3)	1957	203		1953	596
627.19	1945	665, 678,	627.73	1953	608	630.04,		
		679	627.76	1955	232	630.05	1953	596
	1947	539, 541	627.79	1953	283	630.08	1959	29
	1949	529		1957	159	630.11(1),		
	1951	656	627.80	1955	763	(3)	1945	688
	1953	606		1957	159	631.01	1949	30, 519,
627.20	1945	665	627.80(4),					556
	1947	539, 540,	(5)	1955	763	631.02,		
		541	627.81	1955	630	631.03	1949	521, 529
	1949	529, 534		1957	159	631.04,		
	1951	653, 656	627.81(1)	1955	232	631.05	1953	600
	1953	606	627.81(4)	1957	159	631.06	1947	530
							1949	523, 527,
								535, 537,
								556

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
631.06 (cont.)	1953	598, 603	635.02 (cont.)	1951	688	635.26(1)	1949	547
	1957	81, 151, 214, 256, 348, 397, 419, 463		1955	474	635.26(2)	1949	545
				1957	409, 465		1955	268
			635.03	1957	409	635.27	1955	168, 581
631.06-			635.05	1943	231		1959	71
631.10	1957	256, 419		1949	539	635.27(5)	1957	81
631.06(1)	1957	463		1955	474	635.27-		
631.06(4)	1957	256, 348, 397	635.05(3)	1957	409	635.33	1957	81
				1947	549, 551	635.28-		
631.07	1953	598		1949	539, 547	635.33	1955	168, 581
	1957	397		1955	474	635.27(5)	1955	168
631.08,			635.10	1957	465	635.28(1)-		
631.09	1953	598, 603	635.11	1945	692	(5)	1955	168
	1957	256, 397		1947	530, 554	635.30	1955	581
631.09	1957	256, 348, 397, 419	635.12,			636.01-		
			635.13	1945	692	636.05	1953	620
631.09(2)	1957	348	635.15	1945	692	636.06-		
631.10	1949	537	635.17	1943	472	636.10	1949	526, 527
	1953	598, 603		1945	691, 696		1953	620
	1957	256, 397, 419	635.17(3),	1947	530	636.11-		
			(4)			636.16	1953	620
631.11	1949	262, 521	635.175	1945	691	636.24	1957	347
631.12	1953	600	635.175(4)	1957	465	636.42(2)	1957	159
631.13,			635.18	1957	465	637.07	1943	473
631.14	1949	529	635.201	1943	472		1947	553
631.15	1949	163, 529, 530, 534, 536, 538, 603	635.21	1957	658	637.11	1945	694
				1943	469	637.25	1949	547
				1947	256, 258, 540	637.31	1947	541
631.151	1955	680	635.22	1945	701	637.33-		
631.16	1953	584		1947	549	637.51	1949	547
	1955	361	635.24	1949	540, 543, 545, 547, 554, 555	637.59	1945	358
631.17	1957	256					1947	551
632.01-				1951	668, 671	637.60	1949	547, 548,
632.06	1953	598		1955	140, 474, 791		1949	549
632.07	1947	530					1951	675
632.08	1943	471		1957	409, 465	637.60(3)-		
	1945	667	635.24(1)	1949	545, 547	(5)	1951	675
	1953	598		1955	140, 177, 474	638.01	1943	473
632.11	1949	538					1953	622
	1951	662	635.24(1) (a)	1955	140, 791	638.02	1943	473
632.12	1949	538	635.24(1) (c)	1955	140		1947	553
632.13	1949	538	635.24(2)	1949	545		1951	678
	1951	662	635.24(2) (a)	1955	791		1953	622
633.01	1947	547	635.24(2) (c)	1955	268	638.03	1943	365, 472,
633.05	1945	689	635.24(2) (d)	1953	620			473
	1955	259, 586		1955	268		1947	530, 553
	1957	539	635.24(3)	1949	545		1949	549
633.06	1945	690		1951	669, 674		1953	622
	1947	547	635.24(3) (a)	1955	791		1957	81
633.10	1943	470		1959	196	638.04	1943	473
633.11	1959	392	635.24(4)	1949	540, 543, 545		1947	553
633.13	1959	392		1951	669	638.05	1947	552, 553
633.14	1959	392					1951	678, 679
633.15	1959	392	635.24(4) (b),			638.09	1943	473
633.16	1945	689	(c)	1949	540, 543	638.12	1943	365, 472
	1959	392	635.24(5)	1959	192	638.14	1943	473
634.02	1949	539, 543, 554	635.25				1951	678
634.03	1949	535		1949	155, 540, 545, 547, 554, 555, 556	638.16	1953	622
634.04	1949	532					1945	696
634.07(2)	1957	785					1947	556
634.07(4)	1949	531		1951	668, 669	639.06	1951	584
634.13	1949	535		1955	140, 177, 474	639.06-	1953	630
	1951	652, 654				639.17	1957	440
634.17(2)	1957	728		1957	409, 465	639.07	1953	630
634.27(1)	1957	786	635.25(2), (3),			639.07-		
635.01	1943	469	(8)	1949	543	639.17	1955	273
	1947	256	635.26	1949	155, 540, 545, 547, 554, 555	639.07(2)	1955	273
	1951	688					1957	440
635.02	1943	231		1951	668, 669, 671	639.08	1953	630
	1945	693				639.09	1953	630
	1949	539, 543, 547					1955	273

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
639. 10, 639. 11	1953	630	642. 10	1949	554, 555	648. 19	1951	476, 692, 693
639. 12- 639. 14	1953	630	643. 01,	1951	684		1955	701
	1955	273	643. 02	1949	547	649. 01	1945	708
639. 15, 639. 16	1953	630	643. 02(1)	1949	532		1947	567
639. 17	1953	630	643. 03	1949	547	649. 011- 649. 071	1957	260
	1955	273	643. 04	1949	535, 547	649. 04	1943	478
640. 08	1947	560	643. 04(6)	1951	25, 253	649. 06	1945	708
640. 09	1945	700, 701	643. 04(7)	1949	547		1947	530, 565, 568
	1947	530, 560		1957	465		1949	192
	1949	550	643. 04(8)	1949	547		1951	696, 697
640. 10	1945	700, 701, 705	643. 04(8) (b)	1951	688	649. 06(1)	1947	565
	1947	530, 549, 560	643. 04(8) (b) 3	1957	465	649. 06(2)	1947	565
	1949	550	643. 04(10)	1955	474		1953	598
640. 11	1945	700, 701, 705		1953	608	649. 07	1945	708
	1947	560	643. 05-	1955	253		1947	568
	1949	550, 551	643. 08	1957	92		1949	192
640. 12	1945	700, 701	643. 09	1949	547	649. 08	1949	192
	1947	557		1949	547	649. 10	1943	478
640. 15	1949	550	643. 09(1)	1955	25		1947	563
640. 17	1945	700	643. 10-	1955	25	649. 11	1951	697, 699
640. 19	1943	476	643. 13	1949	547		1943	478
640. 23	1945	700	644. 01	1957	210	649. 12	1951	697, 699
640. 29	1947	549	644. 04	1957	210	649. 15	1947	563, 564
	1945	705	644. 05(3)	1957	159	649. 19	1947	564
	1949	550, 551	644. 07	1957	210	649. 23	1947	567
640. 30	1947	549	644. 07(3) (b)	1957	216	650. 01,		
	1951	644	644. 08	1957	210	650. 02	1955	18
641. 01(1)	1947	562	645. 01-			650. 02(2)	1957	594
641. 02	1949	552	645. 16	1957	14	650. 02(3)	1957	594
641. 03	1951	683	645. 05	1957	14, 660	650. 02(6)	1955	949
641. 09	1949	552	645. 05(1)	1957	294, 660		1957	59, 240, 438
642. 01	1949	539, 554, 555, 594	645. 05(2)	1957	294	650. 03	1951	552
	1957	465	645. 05(3)	1957	294		1957	489, 538
642. 02	1949	539, 554, 555, 594	645. 08	1957	294	650. 04	1951	552
642. 03	1949	539, 554, 555, 594	645. 09	1945	668	650. 04(3)	1957	489
	1951	678, 679	645. 09(1)	1957	294	650. 05	1951	552
642. 04	1949	539, 554, 555, 594	645. 09(2)	1959	132	650. 06	1957	489
	1951	684	645. 11	1957	14	650. 06(2)	1957	489
	1955	791	645. 12	1957	294	650. 07	1955	18
642. 04(2)	1957	409	645. 16(2)	1957	294		1957	538
	1947	551	646. 01(1)- (3)	1957	835	650. 10	1955	633, 818, 949
642. 04(3) (b)	1949	539, 553, 554, 555, 594	646. 05	1955	680	652. 02	1949	557
	1955	140	646. 05(1)	1955	268	652. 21	1947	574
642. 06	1949	554, 555	646. 06	1955	268	652. 25	1949	512, 558
	1951	684	646. 08	1949	192		1959	456
642. 06(3)	1953	327	646. 71	1957	786	653. 04	1959	646
642. 07,	1957	409	648. 02	1947	412	653. 10	1943	100, 103, 480
642. 08	1949	554, 555		1945	706		1947	570
	1951	684	648. 02(3)	1947	530, 568		1951	246
642. 09	1949	554, 555	648. 02(4)	1949	30, 556	653. 11	1947	570
	1951	684	648. 05	1951	649	653. 12	1945	372, 711
	1955	292		1957	81, 151, 214, 256, 348, 397, 419		1947	570
			648. 10	1957	397	653. 13	1945	372
			648. 11	1957	348		1947	570
			648. 12	1947	562	653. 16	1953	633
			648. 17	1955	756	653. 18	1945	710
				1957	488	653. 18(1)	1959	646
				1945	706	653. 18(2)	1959	646
				1951	649, 696	653. 18(3)	1959	646
				1957	151, 348	653. 18(5)	1959	646
				1951	649, 696	653. 19	1949	192, 194
				1957	151, 348	653. 81	1949	545
				1951	649	653. 83	1947	571
				1949	30, 556	653. 86	1943	103

FLORIDA STATUTES	BIENNIAL REPORT		FLORIDA STATUTES	BIENNIAL REPORT		FLORIDA STATUTES	BIENNIAL REPORT	
	YEAR	PAGE		YEAR	PAGE		YEAR	PAGE
654.24	1957	812	665.06	1949	526, 527	697.05(5)	1959	499
655.01	1947	572	665.43-			700.01,		
	1949	514, 559	665.47	1959	467	700.02	1951	712
655.10	1943	481, 482	665.44	1953	136, 446	701.03	1943	312
655.17	1959	646		1955	553	701.04	1943	312
655.20	1959	646	665.45	1949	526, 527		1949	562
655.25	1955	926		1957	463		1953	635
655.27	1947	572	665.47	1955	553		1957	428, 804
	1949	514, 559	674.01	1947	574	702.01	1949	353
	1959	613		1955	897, 930	702.02	1953	20, 267,
655.27(4),			674.02,					636
(5)	1949	512	674.04	1949	194, 561		1959	644, 728
656.02	1943	461	674.18	1955	930	702.02(2)	1953	267
	1955	413	674.36-			702.04	1959	97
656.08	1955	413	674.84	1955	485	705.01	1951	712
657.01	1947	573	674.67	1945	725		1957	187
	1959	393	674.68	1945	725	705.02	1951	712
657.02	1959	393		1955	485		1957	187
657.04	1947	573	675.15	1957	180, 912	705.03	1957	187
657.05	1959	393	678.04	1947	574	707.18-		
657.06	1959	393		1959	273	707.21	1945	649
657.08	1959	393	678.38	1959	39	708.01,		
657.09,			678.54	1947	574	708.02	1951	346
657.14	1947	573	678.55	1959	273	708.03	1951	346
658.02	1957	45	678.551	1959	273		1953	467
	1959	456	683.01	1943	483	708.04-		
658.02(1)	1957	45		1947	307	708.06	1951	346
	1959	456		1949	229	708.08	1943	484
658.02(11)	1959	646	683.02	1949	229		1951	346, 347
658.02(12)	1959	646	687.02	1955	888		1957	912
658.02(13)	1957	45		1959	238	708.09	1951	346, 347
658.02(14)	1957	45	687.03	1959	238		1957	912
659.06	1955	651	689.01	1943	484	708.10	1951	346
	1957	616		1949	562		1957	912
659.06(1),				1959	525	715.01	1957	187
(2)	1955	651	689.02,			720.08	1945	222
659.15	1955	926	689.04	1947	576	726.02	1957	611
659.17	1959	646	689.11	1955	838	726.03	1957	611
659.17(1)	1959	646	689.16	1945	136	731.05	1945	283
659.17(1) (a)	1959	646	689.18(5)	1953	635		1955	313
659.17(1) (b)	1959	646	691.03(13)	1959	754	731.21	1955	313
659.17(1) (c)	1959	646	693.02	1943	484	731.23	1945	283
659.17(1) (d)	1959	646		1947	576	731.29	1957	605
659.17(1) (d)-			693.03	1943	484	731.30	1959	520
(f)	1959	646	694.11	1943	180	731.31	1943	487
659.17(1) (e)	1959	646	695.03	1949	562		1947	577
659.20	1955	321	695.031	1949	568	731.33	1943	100, 101
	1957	812	695.11	1957	499	731.34	1943	484
659.21	1959	668	695.13,			732.04,		
659.24	1959	216, 513,	695.14	1955	90	732.05	1945	716
		555, 668	695.21	1945	107, 714	732.07	1947	577
659.24(2)	1959	668		1953	267		1949	564
659.48	1959	21		1955	312	732.15	1945	716
659.52	1957	616	695.22	1945	714	732.26	1955	313
	1959	104, 456		1953	267		1959	545
659.52(1) (a)	1959	456		1955	312	732.26(1)	1959	545
659.57	1955	834, 919	695.23	1945	714	732.29	1947	577
660.01(2),				1953	267	732.35	1959	21
(8)	1955	321	696.01	1945	714	732.36	1955	353
660.10	1955	919	696.03	1953	635		1959	21
	1957	263	696.05(2)	1953	635	732.44	1943	274
	1959	456, 613		1955	373	732.47	1955	353
660.10(1)-			696.05(3)	1955	373	733.01	1945	282, 283
(3)	1955	919	697.01	1949	353		1955	313
660.10(3)	1959	613		1955	309, 374,	733.15,		
660.10(4)	1955	834, 919			919	733.16	1949	247
660.10(5)	1955	834		1957	64, 550	733.20	1945	533
660.10(5)-				1959	317, 360,	733.23	1959	532
(8)	1955	919			760	734.02	1949	247
660.10(8)	1959	613	697.02	1949	353		1959	532
665.02	1949	560		1955	919	734.02-		
	1957	98		1959	317, 360	734.04	1959	532
665.04	1957	98	697.05	1959	499	734.041	1957	337
			697.05(2)	1959	499, 733			

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
734.29	1943	274	744.13(2)	1955	807	790.08(1)		
734.30	1959	21	744.14	1959	592	(cont.)	1959	749
734.30(4)	1959	21	744.27	1949	342	790.08(2)	1947	586
735.05	1953	639	744.29(4)	1949	60		1955	546
735.05(2)	1959	228	744.31	1945	784		1959	544, 749
735.06	1959	228	744.52	1949	342	790.08(3)	1947	586
735.07	1953	639	745.03	1949	286		1955	546
735.09	1953	639	755.01	1951	764	790.08(4)-		
735.13	1959	228	767.02,			(6)	1947	586
736.06	1947	577	767.03	1943	341	790.11	1955	847
	1949	564	775.01,			790.11-		
741.01	1945	717, 721	775.02	1943	125	790.14	1959	348
	1949	568		1949	601	790.14-		
741.04	1943	376		1951	764	790.23	1959	348
	1945	717, 718,		1953	680	790.15	1957	63
		719, 720,	775.05	1955	785	790.23	1959	762
		723	775.06	1959	302	791.01	1955	259
	1947	581	775.07	1943	125		1957	539
	1949	57, 568		1949	369, 397	791.02	1957	539
	1951	227		1955	546, 844	791.03	1957	539
741.041	1959	134		1957	596	794.01	1957	520
741.05	1947	579		1959	681	795.01	1949	431
	1947	579, 580	775.08	1955	785	798.01	1953	31
	1949	55		1957	423, 512,	800.01	1949	464
741.051	1945	720			571		1959	682
	1949	57		1959	302	800.02	1949	464
	1951	227	775.09	1943	498	800.03	1949	464
741.058	1951	227		1947	508	800.04	1949	464
741.05-				1957	40		1951	724
741.10	1947	580	775.09-			801.03	1951	724
	1949	567	775.11	1955	39		1953	645
741.05-			775.10	1943	498	801.03(1) (a),		
741.12	1945	720		1947	508	(b)	1953	645
741.06	1943	488	775.11	1943	498	801.04	1953	645
	1945	723		1957	512	801.14(3)	1953	645
	1947	134, 581	775.13	1957	267, 359	805.01,		
	1949	55, 162,	775.13(5)	1957	267	805.02	1949	572
		431	775.13(5) (d)	1957	267, 359	811.01,		
	1959	134	775.13(7)	1957	267	811.02	1953	646
741.07	1943	488	776.011	1957	571	811.021	1953	646
	1945	717, 721	779.06-				1957	425, 859
	1947	582, 583	779.20	1945	75		1959	302, 325,
	1949	55, 62,						682
		567, 597	782.04	1957	850	811.021(1) (b)	1959	325
	1953	641	782.07	1955	926	811.021(2)	1957	425
741.08	1945	717, 721	784.04	1949	63	811.021(3)	1957	425, 859
	1947	580	784.05	1955	926	811.07	1945	715
	1949	55	785.04	1957	811	811.09	1943	341
741.10	1945	721	790.01	1945	733	811.11	1957	505
	1949	567		1949	570, 572	811.19	1943	341
				1951	722	811.20	1949	430
741.12,			790.01-			811.201	1957	822
741.14	1945	722	790.12	1959	348	812.01	1951	342
741.16	1945	722	790.05	1945	733	812.04	1959	325
742.01	1947	584		1949	571, 572	813.01	1953	648
	1951	717		1951	722	813.011	1959	642
742.011	1951	717		1957	364	813.02	1953	648
	1953	642		1959	348, 425	817.01	1945	732
743.01,			790.06	1951	722		1949	573, 575
743.02	1945	551		1959	425	817.03	1949	573
743.03	1943	395	790.07	1945	734	817.06	1949	472
	1945	551		1949	571, 572		1953	517
	1947	134		1955	546		1959	50
	1949	162		1957	187	817.09	1945	732, 733
744.02	1943	375, 376		1959	749	817.37	1955	494
744.03	1943	306	790.08	1945	733, 734	818.01	1947	588
	1949	342		1947	33, 586	818.02	1949	573
744.03(1)	1959	592		1949	571, 572	821.03	1953	567
744.03(5)	1959	592		1955	546	821.04	1949	574
744.03(6)	1959	592		1957	187	821.041	1957	430
744.05	1943	376		1959	368, 544,	821.06,		
744.11	1957	605			749	821.07	1945	649
744.13	1945	725	790.08(1)	1955	546	821.08	1945	649
	1949	431					1949	574
	1953	449				821.11	1955	180
744.13(1)	1959	592				821.18	1953	649, 651

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
821. 19	1955 180	839. 09 (cont.)	1959 578	849. 15 (cont.)	1951 739, 740,
821. 22-		839. 091	1951 385		745
821. 24	1949 225		1953 655	849. 15(1)	1949 580, 581,
821. 32	1945 632		1957 665, 839		582
821. 36	1955 800		1959 578	849. 16	1943 491
823. 01	1945 500	839. 091(1)			1949 265, 270,
	1947 586	(a), (2)	1953 655		580, 581,
	1953 670	839. 10	1945 730		582, 585
	1957 485		1947 323		1951 739, 745
823. 05	1949 489		1949 578	849. 17	1949 265, 580,
	1955 60, 80		1955 27, 258		581, 582
	1957 485	839. 14	1951 249	849. 18	1943 491
828. 02,			1953 134		1949 265, 580,
828. 12	1953 652	839. 20	1947 40		581, 582
828. 12-		839. 21	1945 146	849. 19	1943 491
828. 15	1955 1, 2		1947 39		1949 265, 580,
828. 17	1945 632	839. 221	1959 241		581, 582
828. 19	1957 664	839. 221(1)	1959 241	849. 20-	
828. 20	1957 664	839. 221(1) (a)	1959 241	849. 23	1949 265, 580,
828. 21	1957 664	839. 221(1) (b)	1959 241		581, 582
831. 01	1959 302	839. 221(2)	1959 241	849. 25	1955 561
831. 02	1959 302	843. 01	1955 29		1957 512
831. 20	1945 632	843. 02	1955 29	849. 25(2)	1957 512
832. 01	1945 736	843. 06,		855. 01	1953 695
	1947 587	843. 08	1945 632	855. 04	1943 492
	1949 280, 575	843. 15	1945 728		1949 587
	1953 652		1949 58, 619	855. 06	1949 587
832. 05	1953 653, 654		1953 657, 658	856. 01	1949 63
	1955 811, 897	843. 16(2)	1959 489		1953 679, 686
	1957 425, 859	847. 01	1957 821	856. 02,	
832. 05(1)	1955 811		1959 472	856. 03	1951 753
	1957 859	847. 01(7)	1957 821	856. 04	1943 492
832. 05(2)	1953 653		1959 472		1947 608
	1955 811, 897	849. 01	1945 728, 729		1949 583, 584
832. 05(3)	1953 653		1947 590		1951 529, 530,
	1955 897		1949 395, 580,		532
832. 05(6) (a)	1957 425, 859		581, 582		1953 675
833. 02	1945 769		1955 30, 246,		1955 532
836. 06	1951 23		479		1957 40, 582,
837. 01	1957 292, 571	849. 02	1949 395		656, 789
	1959 510	849. 05	1949 580, 581,	859. 06	1945 632
837. 03	1957 292		582		1955 379
	1959 510	849. 06	1949 580	859. 07	1945 632
838. 06	1943 116		1953 188	859. 08	1949 456
	1957 652		1957 689	860. 01	1943 310
838. 14	1949 576	849. 07	1951 745		1945 481
839. 03	1957 871	849. 08	1949 580, 581,		1949 371
839. 07	1945 730		582, 583	860. 13(2)	1949 588
	1949 578		1951 745	861. 01	1955 892
	1951 226		1955 479, 896	861. 02	1949 574
	1955 27, 258	849. 09	1949 579, 581,	861. 10,	
	1957 901		586	861. 11	1955 800
839. 07-			1953 661, 665	861. 11	1959 199
839. 09	1955 99		1955 330, 451,	865. 061	1953 675, 676,
839. 08	1945 730		639, 896,		677
	1947 323		937	865. 061(1)	1953 675, 676
	1949 578		1957 457	865. 061(2)	1953 676
	1951 226	849. 09(1)-		865. 09	1945 581, 735
	1953 655	(4)	1955 937		1949 457, 588
	1955 27, 258	849. 091	1953 670		1951 754, 755,
	1957 665, 839	849. 11	1945 728, 729		756
839. 09	1945 730, 731		1949 395, 580,		1957 342
	1947 323		581, 582	865. 09(2)	1957 342
	1949 384, 575,		1951 745	865. 09(5)	1957 342
	576, 577,		1953 660	870. 04	1945 143
	578		1955 451, 479,		1949 57, 589
	1951 226, 254,		896	871. 04(2)	1957 863
	383, 385,	849. 12	1959 368	875. 02-	
	728, 729,	849. 14	1947 590	875. 05	1949 139
	730		1949 395, 586	875. 06	1947 588
	1953 655		1951 745		1949 139
	1955 27, 258		1955 80, 246,	875. 07-	
	1957 665, 755,		561	875. 09	1949 139
	839, 901	849. 15	1943 491	875. 10	1945 393
			1949 265, 580,		1947 94
			581, 582		1949 139

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
875. 11- 875. 13	1949 139	901. 04 (cont)	1953 684	902. 04	1943 126
875. 14	1945 168	901. 05	1955 712, 917	902. 05	1947 162
	1949 139	901. 06	1945 739	902. 06	1943 126
875. 15	1949 139		1945 508, 739		1943 126
	1951 182		1947 592		1955 28
875. 16, 875. 17		901. 07	1957 664	902. 07	1943 126
875. 18	1949 139		1949 600	902. 08	1943 126
875. 19	1951 464		1955 28		1959 530
	1949 591	901. 08	1957 423	902. 09	1943 126
	1951 154, 208		1949 58, 69,	902. 10	1943 126
875. 20, 875. 21			199, 284,	902. 11	1943 126
875. 30- 875. 32	1951 154, 208		329, 411		1959 469
875. 37		901. 09	1955 28	902. 12	1943 126
	1949 139		1943 189	902. 13	1943 126
	1949 589		1949 58, 619		1953 691
	1951 154	901. 11	1955 123	902. 14	1943 126
875. 38	1949 589	901. 14	1955 123		1945 508, 739
875. 44	1943 137	901. 15	1949 58, 619		1947 165
875. 46	1949 590		1945 125, 737,		1955 28
876. 03	1949 594		742		1957 362
876. 05	1949 122, 481,		1949 68, 348,	902. 15-	
	592, 593,		599, 601	902. 17	1943 126
	594, 595		1951 456, 760,	902. 18	1943 126
	1951 120, 194,		762, 764		1947 31, 592
	203, 454,		1953 171, 442,		1949 66
	597, 758,		680, 683		1955 889
	782,		1955 35, 54,		1957 664
	1953 90		105, 333,	902. 19	1943 126, 498
	1955 700		389, 447,		1947 595
876. 05- 876. 10			892	902. 19(4)	1945 132
876. 06	1955 700		1957 261, 664		1947 594
	1949 122, 481,		1959 101, 327,		1949 44, 600,
	591, 592,	901. 15(1)	665, 771		604
	593, 594,		1947 593		1953 689, 710
	595		1953 171, 679,		1957 184
876. 07	1949 481, 591,	901. 15(3)	686		1959 149
	592, 593,	901. 15(4)	1945 125	903. 01	1949 602
	594, 595		1953 680	903. 03	1955 28
876. 08- 876. 10		901. 18	1955 492	903. 04(1)	1949 602
	1949 591, 592,		1957 816	903. 05	1957 686
	593, 594,		1959 452	903. 06	1945 750
	595			903. 07	1949 603
901. 01	1943 119, 126	901. 19	1947 33		1953 693
	1945 143, 738		1953 686	903. 09	1945 746
	1947 34	901. 19(3)	1957 187		1957 686
	1949 58, 597,	901. 21	1949 570	903. 10	1947 596
	619, 625		1951 88		1949 604
	1951 120, 194,		1953 202, 686	903. 11	1949 604
	203, 454,		1955 521	903. 111	1953 283, 612,
	597, 758,	901. 21(2)	1951 477		693
	782	901. 22	1959 452	903. 12	1953 694
	1953 684, 689	901. 23	1943 126, 316,	903. 12(1)	1957 362
	1955 299, 712,		495	903. 12(2)	1957 362
	957		1945 144, 508,		1959 332
	1957 30, 235,		739, 743	903. 15	1945 494
	664		1947 592		1949 603
901. 02	1943 189		1949 65, 597		1951 697
	1949 58, 68,		1951 760, 762	903. 16	1945 746
	69, 597,		1953 442, 678		1947 596
	614, 615		1957 219, 664		1951 654
	1951 454, 597		1959 674		1953 657, 716
	1953 684	901. 24	1945 738		1959 528
	1955 299	902. 01	1943 126	903. 17	1951 654
	1957 30		1947 592		1953 657
901. 03	1945 740		1953 689	903. 19	1959 674
	1947 597		1955 889	903. 20	1949 602
	1949 62, 597		1957 664, 731,		1957 450
	1955 712		733	903. 20-	
901. 03(7)	1949 55, 600,	902. 02	1943 126	903. 22	1959 332
	604		1947 592	903. 21	1949 602
901. 04	1945 632, 740		1959 530		1953 694
	1949 600, 606	902. 03	1943 126	903. 22	1947 596
	1951 46, 764			903. 23	1951 769
					1949 58, 73,
					619
					1957 712

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
922.051	1959 642, 682	932.39	1949 209	936.03 (cont.)	1951 522
922.06,		932.45	1947 162, 596,		1953 389
922.09	1943 500		597, 604		1955 628, 869
922.09-			1949 603		1957 235
922.15	1957 677	932.46	1947 162, 604	936.03(1)	1955 628
922.11	1943 500		1949 603	936.04	1949 614, 615,
923.01	1945 115	932.47	1943 123		616
	1947 592		1945 745	936.05	1949 614, 616
923.04-		932.48	1943 123	936.06	1949 614, 616
923.08	1943 130		1945 745		1953 691
923.11	1959 587		1953 699	936.08	1947 601
923.12	1959 587	932.52	1949 610		1955 628
923.17	1949 605		1951 781	936.11	1949 617
	1957 362		1953 17		1953 715
924.01	1959 510, 551		1955 503	936.12	1947 601
924.06	1949 625		1959 507		1949 617
924.07	1955 938	932.52(10),			1955 628
924.08	1951 776	(11)	1955 503	936.15	1947 601
924.09	1943 500	932.52(15)	1959 507		1955 628
	1955 938	932.52(16)	1955 88, 503	936.16	1949 613
924.10	1955 938	932.56	1949 68, 69,	936.17	1949 615
924.11,			614, 615		1951 783
924.12	1951 776		1957 532	936.18	1947 36
924.14	1943 501	932.57	1953 715	936.19	1949 617
	1947 802		1955 632, 869	937.01	1945 151
	1951 775	933.01	1943 501		1951 58, 454,
	1955 101		1947 604		772
924.21	1943 501		1949 612		1953 689
	1947 602		1951 782		1959 272
	1951 775		1955 957	937.02	1943 502
924.22	1947 602		1957 273		1951 454
	1951 775		1959 587		1953 689
924.23	1949 609	933.02	1949 62, 597	937.03	1943 502
	1955 938		1959 587		1953 689
924.24	1951 776	933.06	1959 587	937.04	1943 495
924.25	1949 609	933.07	1945 631, 632,		1953 689
	1951 776		751		1955 28
	1955 503		1947 604, 605	937.05	1943 502
924.27	1949 609		1951 775, 782		1953 689
924.28	1955 503		1953 599		1959 641
924.40	1951 776		1959 587	937.06	1945 151
925.01	1951 778	933.08	1945 751	937.11,	
925.02	1951 58		1949 611	937.12	1951 772
	1959 272		1951 782	937.13	1953 716
925.03	1949 623	933.09	1955 31	937.15	1949 619
932.01	1951 772	933.11	1953 711	937.18	1957 532
932.01(4)	1957 731	933.14	1945 751		1959 272
932.02	1951 772		1951 88	938.02	1951 454
932.05	1951 719		1955 389	939.01	1943 331
	1953 665		1959 368		1949 621
932.06	1951 778	933.18(2)	1951 775		1955 704
	1957 333	933.19	1949 610		1957 280
932.11	1957 153		1951 477		1959 193, 537
932.17	1957 880	936.01	1945 753	939.02	1943 189
932.20	1957 880		1949 280, 415,		1947 162
932.28	1957 880		612, 614,		1957 280
932.29	1953 689		615		1959 70, 537
	1955 524		1957 235	939.03,	
	1959 717	936.02	1949 614, 615,	939.04	1949 620
932.30	1953 38		616	939.05	1957 280
	1955 249, 637		1951 522	939.06	1943 189
	1957 17, 880,		1953 389, 715		1947 562
	884		1955 628, 869		1949 53, 369
932.31	1955 637	936.02(1)-			1957 488
932.33	1945 738	(3)	1949 415, 614,	939.07	1955 383
	1947 50		615, 616		1959 537
	1953 710	936.02(4)	1949 415, 614,	939.08	1945 754
	1957 880, 884		615, 616,	939.10	1949 43, 619
932.35	1945 738		617	939.14	1945 141, 753,
	1953 38		1955 869		754
932.36	1953 38	936.03	1945 753		1947 606
	1955 383		1949 68, 69,		1949 57, 58,
932.37	1955 383		415, 614,		619, 620,
932.38	1947 603		615, 617		621

FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR PAGE
903. 26	1943 499 1945 746, 750 1947 162, 596 597 1949 73, 603 1953 657 1959 218, 423 528	903. 50 903. 51 903. 52 903. 52(4) 903. 53 903. 54 903. 55 903. 56 903. 57 903. 58 905. 11, 905. 16 905. 17 905. 23, 905. 26 905. 27 906. 01 906. 01(7) 906. 04 906. 04(1) 906. 06, 906. 25 906. 26 906. 27 906. 28 907. 01 907. 02 907. 04 909. 04 909. 05 909. 07 909. 08 909. 18 910. 01 910. 02 910. 03 910. 05 910. 06 910. 10 912. 01 913. 02, 913. 11 914. 01 914. 10 915. 01 915. 16 917. 01 917. 01(1) 917. 02 917. 03 917. 04- 917. 11 917. 06 917. 07 917. 11	1955 630 1957 423, 712 1955 630 1957 423 1955 630 1957 204 1955 630 1957 204 1955 630 1957 853 1955 630 1955 630 1955 630 1943 175 1959 185 1945 739 1957 523, 533 1959 12 1959 12 1945 744 1959 12 1949 605 1959 492 1959 492 1947 607 1943 497 1945 745 1947 599 1949 606 1953 25, 699 1949 606 1949 606 1955 28 1955 889 1943 123 1951 770 1957 512 1951 770 1957 83 1953 701 1947 588 1945 736 1957 153 1945 736 1957 583 1953 701 1953 703 1953 705 1945 739 1951 770 1959 530 1951 770 1951 771 1957 520 1949 626 1945 747, 748 1949 423, 491 1957 744, 880 1959 143 1959 143 1957 880 1953 38 1957 880 1955 249, 489 1955 489 1955 489 1955 249	918. 10(2) 919. 01(1) 919. 11 919. 23(2) 920. 02 920. 02(3) 920. 02(4) 921. 01 921. 02 921. 05 921. 05(2) 921. 09 921. 14 921. 15 921. 15(2) 921. 16 921. 17 921. 17- 921. 23 921. 18 921. 19 921. 20 921. 21 921. 22 921. 23 922. 01 922. 02 922. 04, 922. 05 922. 05(2)	1949 37 1953 706 1949 423 1957 520 1943 500 1947 604 1955 938 1959 332 1947 599 1951 775 1953 52 1949 607, 623, 627 1951 774 1957 512 1957 399, 512, 667 1949 623, 625, 628 1957 667 1957 512 1945 748 1949 423, 491 1949 626, 628 1953 688 1957 444 1945 122, 124, 749 1947 597, 601 1949 607, 608, 626 1951 772 1953 707 1957 444, 649, 686, 705 1951 773 1957 444, 649, 686, 705 1947 600 1955 93 1957 38 1959 302 1957 457 1959 642 1957 471, 472, 505 1959 323, 642 1957 457, 471, 472, 479 1959 642 1957 472, 479 1959 642 1959 642 1959 323, 642 1957 472 1959 323, 642 1959 642 1943 499 1945 111, 112 1949 620 1951 772, 786 1957 399, 444, 462, 667, 749 1959 106, 272 1943 499 1949 620 1953 688, 716 1949 629 1951 786
903. 26(1)- (3)	1945 746		1957 853		1951 775
903. 27	1945 746, 750 1947 596, 597 1949 603 1959 218 1945 746 1947 563, 596, 597 1949 189, 603 605 1951 768 1953 696 1957 620 1959 492, 528 1953 696 1959 322, 492 528 1959 528 1959 528 1953 696 1959 492 1959 332, 492 528 1957 699 1943 455 1947 162, 596 1951 697 1953 693 1955 28 1957 219 1959 674 1947 596, 597 1949 44, 600, 604 1957 219 1959 423, 674 1949 608 1953 693, 695 1957 712 1951 476, 693 1955 701 1959 674 1955 630 1957 423 1957 686, 712 1957 686 1955 630 1955 630 1955 630 1955 630 1955 630 1955 630 1955 630 1957 204 1955 630 1957 204 1955 630 1955 630 1957 159 1957 159 1955 630 1955 630 1957 204 1955 630	903. 55 903. 56 903. 57 903. 58 905. 11, 905. 16 905. 17 905. 23, 905. 26 905. 27 906. 01 906. 01(7) 906. 04 906. 04(1) 906. 06, 906. 25 906. 26 906. 27 906. 28 907. 01 907. 02 907. 04 909. 04 909. 05 909. 07 909. 08 909. 18 910. 01 910. 02 910. 03 910. 05 910. 06 910. 10 912. 01 913. 02, 913. 11 914. 01 914. 10 915. 01 915. 16 917. 01 917. 01(1) 917. 02 917. 03 917. 04- 917. 11 917. 06 917. 07 917. 11	1955 630 1957 423, 712 1955 630 1957 423 1955 630 1957 204 1955 630 1957 204 1955 630 1957 853 1955 630 1955 630 1955 630 1943 175 1959 185 1945 739 1957 523, 533 1959 12 1959 12 1945 744 1959 12 1949 605 1959 492 1959 492 1947 607 1943 497 1945 745 1947 599 1949 606 1953 25, 699 1949 606 1949 606 1955 28 1955 889 1943 123 1951 770 1957 512 1951 770 1957 83 1953 701 1947 588 1945 736 1957 153 1945 736 1957 583 1953 701 1953 703 1953 705 1945 739 1951 770 1959 530 1951 770 1951 771 1957 520 1949 626 1945 747, 748 1949 423, 491 1957 744, 880 1959 143 1959 143 1957 880 1953 38 1957 880 1955 249, 489 1955 489 1955 489 1955 249	918. 10(2) 919. 01(1) 919. 11 919. 23(2) 920. 02 920. 02(3) 920. 02(4) 921. 01 921. 02 921. 05 921. 05(2) 921. 09 921. 14 921. 15 921. 15(2) 921. 16 921. 17 921. 17- 921. 23 921. 18 921. 19 921. 20 921. 21 921. 22 921. 23 922. 01 922. 02 922. 04, 922. 05 922. 05(2)	1949 37 1953 706 1949 423 1957 520 1943 500 1947 604 1955 938 1959 332 1947 599 1951 775 1953 52 1949 607, 623, 627 1951 774 1957 512 1957 399, 512, 667 1949 623, 625, 628 1957 667 1957 512 1945 748 1949 423, 491 1949 626, 628 1953 688 1957 444 1945 122, 124, 749 1947 597, 601 1949 607, 608, 626 1951 772 1953 707 1957 444, 649, 686, 705 1951 773 1957 444, 649, 686, 705 1947 600 1955 93 1957 38 1959 302 1957 457 1959 642 1957 471, 472, 505 1959 323, 642 1957 457, 471, 472, 479 1959 642 1957 472, 479 1959 642 1959 642 1959 323, 642 1957 472 1959 323, 642 1959 642 1943 499 1945 111, 112 1949 620 1951 772, 786 1957 399, 444, 462, 667, 749 1959 106, 272 1943 499 1949 620 1953 688, 716 1949 629 1951 786

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
922.051	1959	642, 682	932.39	1949	209	936.03 (cont.)	1951	522
922.06,			932.45	1947	162, 596,		1953	389
922.09	1943	500			597, 604		1955	628, 869
922.09-				1949	603		1957	235
922.15	1957	677	932.46	1947	162, 604	936.03(1)	1955	628
922.11	1943	500		1949	603	936.04	1949	614, 615,
923.01	1945	115	932.47	1943	123			616
	1947	592		1945	745	936.05	1949	614, 616
923.04-			932.48	1943	123	936.06	1949	614, 616
923.08	1943	130		1945	745		1953	691
923.11	1959	587		1953	699	936.08	1947	601
923.12	1959	587	932.52	1949	610		1955	628
923.17	1949	605		1951	781	936.11	1949	617
	1957	362		1953	17		1953	715
924.01	1959	510, 551		1955	503	936.12	1947	601
924.06	1949	625		1959	507		1949	617
924.07	1955	938	932.52(10),				1955	628
924.08	1951	776	(11)	1955	503	936.15	1947	601
924.09	1943	500	932.52(15)	1959	507		1955	628
	1955	938	932.52(16)	1955	88, 503	936.16	1949	613
924.10	1955	938	932.56	1949	68, 69,	936.17	1949	615
924.11,					614, 615		1951	783
924.12	1951	776		1957	532	936.18	1947	36
924.14	1943	501	932.57	1953	715	936.19	1949	617
	1947	602		1955	632, 869	937.01	1945	151
	1951	775	933.01	1943	501		1951	58, 454,
	1955	101		1947	604			772
924.21	1943	501		1949	612		1953	689
	1947	602		1951	782		1959	272
	1951	775		1955	957	937.02	1943	502
924.22	1947	602		1957	273		1951	454
	1951	775		1959	587		1953	689
924.23	1949	609	933.02	1949	62, 597	937.03	1943	502
	1955	938		1959	587		1953	689
924.24	1951	776	933.06	1959	587	937.04	1943	495
924.25	1949	609	933.07	1945	631, 632,		1953	689
	1951	776			751		1955	28
	1955	503		1947	604, 605	937.05	1943	502
924.27	1949	609		1951	775, 782		1953	689
924.28	1955	503		1953	599		1959	641
924.40	1951	776		1959	587	937.06	1945	151
925.01	1951	778	933.08	1945	751	937.11,		
925.02	1951	58		1949	611	937.12	1951	772
	1959	272		1951	782	937.13	1953	716
925.03	1949	623	933.09	1955	31	937.15	1949	619
932.01	1951	772	933.11	1953	711	937.18	1957	532
932.01(4)	1957	731	933.14	1945	751		1959	272
932.02	1951	772		1951	88	938.02	1951	454
932.05	1951	719		1955	389	939.01	1943	331
	1953	665		1959	368		1949	621
932.06	1951	778	933.18(2)	1951	775		1955	704
	1957	333	933.19	1949	610		1957	280
932.11	1957	153		1951	477		1959	193, 537
932.17	1957	880	936.01	1945	753	939.02	1943	189
932.20	1957	880		1949	280, 415,		1947	162
932.28	1957	880			612, 614,		1957	280
932.29	1953	689			615		1959	70, 537
	1955	524		1957	235	939.03,		
	1959	717	936.02	1949	614, 615,	939.04	1949	620
932.30	1953	38			616	939.05	1957	280
	1955	249, 637		1951	522	939.06	1943	189
	1957	17, 880,		1953	389, 715		1947	562
		884		1955	628, 869		1949	53, 369
932.31	1955	637	936.02(1)-				1957	488
932.33	1945	738	(3)	1949	415, 614,	939.07	1955	383
	1947	50			615, 616		1959	537
	1953	710	936.02(4)	1949	415, 614,	939.08	1945	754
	1957	880, 884			615, 616,	939.10	1949	43, 619
932.35	1945	738			617	939.14	1945	141, 753,
	1953	38		1955	869			754
932.36	1953	38	936.03	1945	753		1947	606
	1955	383		1949	68, 69,		1949	57, 58,
932.37	1955	383			415, 614,			619, 620,
932.38	1947	603			615, 617			621

FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE	FLORIDA STATUTES	BIENNIAL REPORT YEAR	PAGE
939. 14 (cont.)	1953	691	945. 17-			952. 21	1949	187, 381,
	1957	280, 302	945. 20	1957	228			382, 385
939. 15	1953	62	947. 08	1945	757	952. 23	1945	760
	1959	537		1955	770	954. 01-		
939. 16	1943	128, 503	947. 09	1945	757	954. 03	1945	760
	1945	751	947. 14(1)	1959	106	954. 06	1947	612
	1949	621	947. 14(4)	1959	106		1949	628
	1957	280, 302,	947. 16	1943	506		1951	788, 789
		859		1945	757		1953	722
	1959	70	947. 16 (1)	1959	240		1957	331
939. 18	1945	751	947. 17(5)	1959	240	954. 20	1945	762
940. 02,			947. 17(6)	1949	629	954. 22	1943	116
940. 03	1945	167		1959	240		1949	630
940. 04	1945	167	947. 18,			954. 26	1949	630
	1947	607	947. 19	1945	756	954. 27,		
940. 05	1945	167	947. 20	1945	756	954. 29	1945	763
	1951	101		1947	612	954. 30	1953	31
941. 01	1955	947	947. 21	1959	323		1955	785
941. 03	1955	887	947. 22	1945	125, 756	954. 32	1949	629
941. 05	1955	538		1947	610	954. 35	1943	303
941. 06	1951	764	947. 23	1945	757	954. 36,		
	1953	684, 718		1947	610	954. 39	1943	513
	1955	91, 887,	947. 23(1)	1959	323	954. 45	1945	760
		897	948. 01	1949	624, 625	954. 49	1943	512
941. 07	1947	38		1953	648		1949	337, 628
	1957	532	948. 01(1)-			954. 51	1951	790
941. 08	1957	532	(3)	1949	623		1955	878
941. 10	1943	508	948. 04	1945	757		1957	228
941. 12	1947	607		1949	625	955. 05	1943	303
941. 13	1947	610	948. 06	1949	623, 625	955. 17	1945	550
	1951	764	948. 10	1949	624	955. 18	1945	549
	1953	684, 718	949. 03(1)	1945	758, 759		1957	850
	1955	91	949. 03(2)	1945	759	955. 19	1945	768
941. 14	1945	126	949. 07	1943	508		1957	850
	1951	764		1953	718	955. 20	1943	375
	1953	680		1955	947		1945	764
941. 15,			949. 07(1) (b)	1953	718		1957	850
941. 17	1953	718	949. 07(3)	1943	508	955. 21	1943	375
941. 19	1955	538	949. 07(5)	1953	718		1945	550
941. 23	1945	104	950. 01	1957	478		1957	850
	1947	608	950. 02	1955	812	955. 22	1943	375
941. 26	1945	126		1957	478, 677		1957	850
	1957	532	950. 05	1943	175	955. 24	1951	48
941. 31-			951. 01	1947	612	956. 02	1943	376
941. 42.	1955	947		1951	786		1945	768
942. 01	1955	947		1957	671		1951	48
942. 03	1945	754	951. 03	1957	671	956. 04	1957	421
942. 03(2)	1951	784		1959	39,	956. 07	1943	303
943. 13	1945	756			219	958. 01	1945	550, 764
944. 01	1957	246	951. 05	1949	626	959. 01	1945	766
944. 02	1959	347		1951	786	959. 02	1955	878
944. 02-			951. 07	1943	125	965. 01	1957	472
944. 06	1957	246	951. 12	1951	786		1959	563
944. 02(2)	1957	479		1957	478	965. 01-		
944. 02(3)	1957	479	951. 13	1957	478	965. 06	1959	467
944. 02(6)	1957	479	951. 16	1949	191, 407	965. 01(1) (a)	1957	472
944. 03-				1951	788	965. 01(1) (d)	1957	472, 479,
944. 06	1957	472		1955	93			628
944. 08	1957	472		1959	121		1959	642
944. 08(1)	1957	479	951. 21	1957	331	965. 01(3)	1959	563
944. 16	1957	479		1959	347	965. 03	1959	467, 563
	1959	106	952. 01,			965. 05	1959	467
944. 17	1957	479, 628,	952. 02	1943	175	965. 08	1959	467
		677	952. 06	1943	175	965. 08(5)	1959	467
	1959	106	952. 07	1945	760	969. 01	1947	576
944. 18	1957	479		1947	612			
	1959	106		1949	187, 381,			
944. 22	1959	467			382, 385			
944. 26	1957	628	952. 08	1951	789			
944. 29	1959	167, 347	952. 09	1945	762			
944. 31	1959	39	952. 10	1945	760			
945. 01(4)	1957	479		1955	878			
945. 09	1957	472, 479	952. 12	1945	760			
945. 12	1959	39	952. 16,					
			952. 17	1949	187, 381,			
					382, 385			